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A

PRACTICAL GUIDE

FOR

RUSSIAN CONSULAR OFFICERS

AND

PRIVATE PERSONS HAVING RELATIONS WITH RUSSIA.

Da veniam scriptis, quorum non gloria nobis
Causa, sed utilitas officiumque fuit.
P. Ovidii Nasonis: Epist. ex Ponto
Lib. III; 9: verses 33 and 36

BY

BARON A. HEYKING,

IMPERIAL RUSSIAN STATE COUNCIL FOR SCOTLAND AND THE NORTHERN COUNTIES OF ENGLAND.

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INTRODUCTORY.

DURING the last half century there has been a marked growth in the importance of the Consular service. The cause is to be looked for in the fact that the politics of civilised States are gradually being directed more and more by their economic requirements. As a result of their advance in culture and of the innumerable discoveries and inventions by which, in international intercourse, the obstacles of time and space are reduced to a minimum, the nations have come into closer and more intimate contact with each other, and the individual State, in its economic life, no longer suffices for itself, but is compelled to merge its individuality in a universal life in which the interests of the several States are accommodated to the conditions of the whole world.

As a result of this fact the nations of the civilised world are finding it necessary, in many places of special importance, to replace their Elective Consular Officers, who perform their duties as a secondary profession and side by side with other occupations and who are usually subjects of the State in whose territory they have their residence, by State Consuls, who are specially trained for the exercise of their functions, are subjected to special professional examinations, and are subjects of the State whose interests they represent.

This tendency in favour of a Consular representation by trained specialists has, however, its limits,

as it would not be advisable to increase the number of State Consuls too largely. In places of small importance a State Consul, who is bound to have no occupation outside his Consular duties, would be in an isolated position and would not have sufficient employment to justify the extra expense to the Exchequer. The institution of Elective Consular Officers is thus seen to be a necessary one, the principle of co-operation of State Consuls with Elective Consuls having been adopted by nearly all civilised States. The Russian Consular Service comprises 123 State Consulates and 256 Elective Consulates.

While State Consuls, from their intimate acquaintance with the affairs of their own country, their special knowledge and their entire independence of foreign influence, are able effectually to promote the interests of the State they represent, Elective Consular Officers are particularly useful in cases where a precise knowledge of local trade and customs is required. It is, however, an essential requirement for the practical efficiency of Elective Consular Officers that they have an adequate knowledge of their duties and also of the work of State Consuls. Elective Consular Officers are frequently under the necessity of applying to the State Consuls of their districts for advice and assistance in matters which are exclusively within the competency of State Officers. They should, therefore, be fully acquainted with the manner in which the duties of State Consular Officials are performed; should know what the functions of these officials are, and what laws, regulations, and prescriptions are observed in specific cases.

Russian Elective Consular Officers should also be in a position, at all times, to supply accurate and complete information on matters relating to the Consular service, to Russian legislation where it concerns foreign individuals and foreign trade with Russia, and to legal and other matters important to foreigners who

have interests in Russia, or who are connected with Russian trade.

Hitherto, Russian Elective Consular Officers—of whom the great majority are unfamiliar with the Russian language and with Russian law and have had no special training for the Consular Service—have been seriously hampered by a lack of sources of information, even as regards those laws and regulations—such as the Passport or Trade Regulations—which most nearly relate to Consular business. With the exception of an antiquated English translation of an obsolete edition of the Consular Regulations (Hull, 1882), and translations into French of a few of the Circulars of the Second Department of the Russian Ministry of Foreign Affairs for the years 1840 to 1888 (St. Petersburg), our Elective Consular Officers have been wholly dependent on special and, frequently, inadequate instructions given to them from time to time by the State Consuls to whom they are subordinate and to whom they are obliged to address interminable enquiries upon almost every individual case in their Consular practice.

The present work is an attempt to supply this deficiency. Besides covering the whole ground of the Consular service, it contains detailed information as to the legal position of foreigners in Russia both in general and in particular as regards certain branches of industry and commerce, with instructions as to the most important Customs Regulations. Only such laws, regulations and prescriptions are cited as are actually in operation and only the very latest enactments are referred to, such as the 1903 edition of the Trade, Consular and Passport Regulations. It has, moreover, been found necessary to take into consideration the usages of Consular practice. Many points of detail arising in the everyday business of the Consulates are not provided for in the written laws and regulations, but are, nevertheless, satisfactorily disposed of in accordance with the unwritten law of custom. This

source of information could be drawn upon the more freely, as the present work, although its publication was permitted by an official letter from the Second Department of the Ministry of Foreign Affairs of the 23rd September, 1903, No. 10901, is not restricted in its scope by the character of an official publication.

An attempt has been made, without interfering with the character of the work as a practical guide, to elucidate the leading principles underlying the various enactments and to present them in systematic order.

Russian Elective Consular Officers are invited to make use of this Guide as a *Vade mecum* in all Consular business. The Guide may also be found useful by State Consuls, Legations and Embassies; for whom it will simplify the work of instructing Elective Consular Officers, by enabling them to refer to the appropriate paragraph in the Guide, instead of giving lengthy extracts and quotations from laws, regulations and prescriptions. It will also be found of valuable assistance to persons preparing themselves for the Consular service, to Commanders of Russian men-of-war, to Captains of merchant vessels, to lawyers dealing with business of an international character, to students of International law, to shipowners, shipbrokers, underwriters, and, in general, to all persons whom business or other circumstances may bring into contact with the Empire of all the Russias. The Guide is not, however, intended to entirely supersede the necessity for consulting the laws and regulations laid down for the guidance of Consular Officers; although, at the same time, it supplies, in the footnotes to the various articles, an easy key to such legislation.

The language chosen for the Guide is English, for the reason that it is the most diffused, is of the greatest importance in the shipping and commercial worlds and is familiar to the majority of Russian Elective Consuls. As a matter of fact, no other

language would be so suitable for the purpose in view; but, as the author's knowledge of the English language is not that of an Englishman, he considers himself fortunate in having secured, for the linguistic part of the work, the valuable aid of Mr. O. CHARLTON, Solicitor, and of Mr. A. L. COATES, Elective Secretary to the Russian Consulate at Newcastle-upon-Tyne.

THE AUTHOR.

NEWCASTLE-UPON-TYNE,

September, 1904.

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PART I.

Consular Duties in General.—Staff.—Office.

CHAPTER I.—General Duties.

§ 1. Consular duties in general.

Every Consular Officer is under obligation to perform the duties of his office in accordance with the existing laws and according to instructions transmitted to him, and must, by his behaviour whether on or off duty, show himself worthy of the respect which should attach to his position.

It is the sacred duty of every servant of the Russian State to guard and protect, to the best of his knowledge, power and ability, all rights and prerogatives appertaining to His Majesty the Emperor.[1]

Every official is expected to make it his immediate duty to be well acquainted with all the laws and regulations of the State and to maintain their integrity to the very best of his ability, as the fundamental basis of the fair and equitable conduct of all business.[2] In particular, Consuls are required to watch, each one in his own Consular district, over the interests of Russian and Finnish trade and shipping.[3]

The Consul is responsible for the legality of his official actions. With regard to his behaviour outside of his official sphere, it is impossible to lay down any fixed rules. Tact and experience are, here, the best instructors. Careful preliminary investigation is especially necessary when joining clubs, associations, &c.

The Consul must treat as confidential all matters which come to his knowledge in his official capacity. Russian State officials are forbidden, without the consent of their superiors, to publish works containing references to the internal or external affairs of the Russian Empire.[4]

Russian Consuls must conform, in the exercise of their official functions, to the laws of the Russian Empire, to the Circulars of the Ministry of Foreign Affairs, to the instructions of the Legations, Embassies, or Consulates to which they are subordinate and to those of the Ministries of Finance and Marine.

On the other hand, Consular Officers must also be guided by the law and usage of the district in which they exercise their office. If the local government has not granted the Consul special rights and privileges by agreement between itself and the State whose agent the Consul is, he is subject, in all his official actions, to the laws of the country in which he resides, and may not, therefore, place himself in conflict with them. In his official intercourse with the

[1] Reg. of Civil Service, Art. 706. [2] Reg. of Civil Service, Art. 708.
[3] Cons. Reg., Art. 1. [4] Reg. of Civil Service, Art. 727.

Ministry or other authorities of the country in which he resides, the Consul must be careful to observe propriety and the established etiquette and not make pretensions which might lead to disputes. Even in the most delicate explanations, he must know how to uphold his dignity, not forgetting the respect due to the Government with which he has to deal. In short, while taking care that the prerogatives attached to his post and recognised by treaties and usage be maintained intact, the Consul must not, through misplaced pretensions, be the occasion of complaints against himself or of misunderstanding between the Governments of the country in which he resides and of that which he represents.[1]

If a case occur which is not provided for by Russian law, or if by reason of the peculiar situation of the Consul's place of residence, or for other reasons, he find himself in an exceptional position; or if, generally speaking, a more exhaustive explanation of any point of Consular law or usage be necessary, the Elective Consul must apply for special instructions to the State Consul to whom he is subordinate and the latter will, if necessary, report to the Imperial Legation or Embassy accredited to the country in which he resides and to the Ministry of Foreign Affairs.[2]

The Consul is the guide, protector and, in some cases, the trustee of Russian subjects. He is the representative of the power of the Government in the district entrusted to him, and it is his duty to collect and transmit to the various Government Offices and Institutions by whom he is instructed, information on certain matters: such as sanitary conditions and measures, statistics, ship-building, judicial matters, railway construction, shipping, finance, agriculture, taxation, forestry and all branches of industry and trade. He is empowered to perform certain notarial acts: to viser passports in favour of people proceeding to Russia; to grant passports and certificates to Russian subjects returning to Russia, and to legalise ship's documents. He co-operates with the commanders and masters of war-ships and merchant vessels on their arrival and departure from the ports of his district and in the event of accident or damage, complete wreck or other misfortune incidental to shipping; when all sea-protests, declarations of experts and settlements between commanders and crews, &c., &c., are made before him. It is his duty to protect the interests of Russian subjects applying to him for assistance; to correspond in reference to their affairs with the local authorities and the home Government, and to make a special point of endeavouring by all means in his power to promote the export of Russian produce to foreign countries. Finally, it is his duty to succour, assist and repatriate such Russian subjects as are without means of subsistence and are not able to remain abroad, *e.g.*, sailors who have been left behind by Russian vessels, either through sickness or any other cause returning emigrants, vagabonds and pilgrims.

[1] Cons. Reg., Art. 98. [2] Cons. Reg., Arts. 2 and 106.

CHAPTER II.—State and Elective Consular Officers.

§ 2. The difference between State and Elective Consuls.

A difference exists between State and Elective Consuls. The former, who are also called *Consules missi*, are sent by the State which appoints them to a foreign State, and must be subjects of the country they represent. They draw a fixed salary and the Consular fees collected by them form part of the revenue of the State. On the other hand, Elective Consuls are Consular Officers who are selected from local merchants or other suitable persons. They do not require to be subjects of the State by which they are appointed, and do not draw any fixed salary, but are entitled to retain all fees collected by them in accordance with the Consular Tariff.

A person desiring to be appointed Russian Elective Consul, must apply to the State Consul of the district, giving full particulars and filling up the following form :—

Christian Name and Surname.	Consular Rank.	Nationality.	Occupation.	Religion.	Date of Birth.	Whether in possession of any Orders or Decorations and, if so, their Descriptions.

§ 3. Declaration of Elective Consular Officer.

Further he must produce a written recommendation from some local authority, and sign the following declaration :—

"I, the undersigned, hereby certify, that upon undertaking the charge
" of the Imperial Russian Vice-Consulate at X, I will fulfil my duties
" according to the instructions which are, or will be, given to me by the
" Imperial Russian Consulate at X, and the Imperial Russian Embassy
" at X. At the same time I renounce all claims to remuneration or
" money recompense of any kind from the Imperial Government for my
" services as Russian Vice-Consul, other than the Consular fees which, in
" accordance with the Russian Consular Regulations, revert to my profit.
" Finally, I give my word of honour not to belong to any secret political
" or social society or organization."

Only persons of unblemished character can be appointed to the post of Elective Consul and it is understood that, once appointed, these functionaries may not accept the Consular office for another Government without the special sanction of the Russian Government.[1] The same applies to State Consuls, who are subject to this further restriction that they are not allowed, unless with the permission of the Russian Ministry of Foreign Affairs, to accept titles, honorary insignia, presents, wages, or any other form of remuneration or reward, from Foreign Governments or private individuals.

In general, the Russian Ministry of Foreign Affairs is bound, according to Art. 740 of the Russian Civil Service Regulations, to exercise every precaution in order to prevent the official interests of the Consul from being prejudiced by his private business.

[1] Cons. Reg., Art. 7.

§ 4. State Consular Officers may not be interested in commercial undertakings.

Russian State Consuls may not be interested, either directly or indirectly, in any commercial undertaking whatever. Cases in which a State Consul is appointed Agent for a Company protected by the Russian Government, and in which the appointment could not have been made without the formal authorization of the Ministry of Foreign Affairs, are excepted.[1] Russian State Officials are not permitted to buy or acquire interest in property the sale of which has been entrusted to them by the Government[2]; they are forbidden to enter into agreements or contracts of any kind whatever, either directly, or in the names of their wives, in those places where they are officially employed, and they are especially forbidden to participate in such contracts through agents.[3]

§ 5. State and Elective Consular ranks.

State Consuls may hold office either as Consuls-General, Consuls, Vice-Consuls, or Consular Agents; Elective Consular Officers may be either Consuls, Vice-Consuls, or Consular Agents. State Consuls are subordinate to the Russian Ministry for Foreign Affairs and are under the orders of the Russian Legation or Embassy accredited to the countries in which they reside. They are, further, required to carry out such special instructions as may be addressed to them directly by the Ministries of Finance or Marine.[4] Elective Consuls are subordinate to the State Consuls of their respective districts, who are responsible for all their acts.

§ 6. Instruction of Elective Consular Officers.

They must be furnished by the State Consuls with instructions, in strict conformity with existing Russian regulations and receive from them any further directions of which they may stand in need. All their letters and reports (including the annual trade report) must be addressed to the State Consul of their district, except when the Russian Legation or Embassy considers it necessary to correspond with them direct.[5]

§ 7. Responsibility of State Consuls.

The State Consul is solely responsible, within the limits of his Consular district, for every act coming within the scope of the Consular functions whether performed by himself or by a subordinate Elective Consul. In case of negligence on the part of an Elective Consul, or of disobedience, fraud or any other offence, the State Consul is entitled to reprimand or even, if the case is sufficiently serious, to suspend him from his office and recommend his dismissal to the Russian Ministry of Foreign Affairs.

The State Consul ceases to be responsible for the actions of an Elective Consul who has been deprived of his office, after the fact of such deprivation has been duly notified to the local authorities.[6]

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[1] Cons. Reg., Art. 3. [2] Reg. of Civil Service, Art. 771.
[3] Reg. of Civil Service, Art. 722. [4] Cons. Reg., Art. 5
[5] Cons. Reg., Art. 8. [6] Cons. Reg., Art. 10.

CHAPTER III.—Consular Auxiliary Employees.

§ 8. **State Vice-Consuls and Secretaries and Elective Secretaries.**

In order to be able to fulfil their duties Consular Officers require auxiliary employees. Such may be either State or private auxiliary employees. The former are called Vice-Consuls or Secretaries: they are Russian subjects and are appointed by the Ministry of Foreign Affairs, being State Officials of the Russian Empire. The latter are also called Vice-Consuls, Secretaries or Consular Agents: they are, however, foreign subjects, are appointed by the Consul with the consent of the Ministry, and depend exclusively on the Consul—having the character of his private secretaries—although they receive their wages from the Ministry, under the head of extraordinary expenses of the Consulate. For all acts performed by them in the exercise of their Consular functions, the Consul is solely responsible. The duties of both are fixed by the Consul. Generally speaking, State auxiliary employees are required to perform more important duties than those entrusted to private auxiliary employees. Either may be employed by the Consul, with the special authority of his Legation or Embassy, to act as his representative during his absence. The Consul informs the Ministry of Foreign Affairs of every appointment or suspension of a private auxiliary employee[1] and of every occasion upon which an auxiliary State employee of his Consulate obtains leave of absence (with his permission and the consent of the Legation or Embassy) and when he returns to his duties.[2]

Consular employees are required to render every assistance in their power to all persons, without exception, who may have occasion for their services. Any employee evading this duty is liable to a fine.[3]

§ 9. **Rights of Deputy Consular Officers in France, Germany, Italy, Spain.**

Art. 6 of the Consular conventions with **France, Germany, Italy** and **Spain** stipulates, that in event of inability on the part of a Consul-General, Consul or Vice-Consul, through absence, death or any other cause, to perform the duties of his office, his Deputies or Secretaries, after being introduced to the local authorities in their capacities as such, shall be legally entrusted with the temporary control of the particular Consulate, enjoying, during the period of their activity as Deputies, all the privileges, immunities and advantages appertaining to the Consular Office.

[1] Cons. Reg., Art. 13.

[2] Circular of the Department of Personal and Economic matters of the Ministry of Foreign Affairs, of the 26th April 1902, No. 2937.

[3] *Ibid.*, of the 27th November 1901.

CHAPTER IV.—APPOINTMENT AND EXEQUATUR.

§ 10. Appointment of State and Elective Consuls.

STATE Consuls are appointed by His Majesty the Tsar and receive their patents from the Russian Ministry of Foreign Affairs; whereas Elective Consuls are appointed by the State Consuls in whose districts they have their residences, subject to the sanction of the Russian Legation or Embassy to which the State Consul is subordinate. In order to obtain such sanction, the Consul is required, in the case of an appointment to a post already existing, to submit to the Legation the reasons which have determined his choice. The Legation, if approving the Consular selection, submits the new appointment for confirmation to the Russian Ministry of Foreign Affairs, and acquaints the Consul in due course of the result. If it is a question of creating a new post, the State Consul must submit to the Legation the reasons which necessitate the measure.[1]

§ 11. Exequatur.

When a State Consul has been appointed or replaced, the Legation or Embassy takes the necessary steps to obtain official recognition of the newly-appointed officer from the local Government and promise of assistance and protection in the exercise of his Consular duties.

The instrument by which this is effected is known as an "Exequatur," which is usually worded somewhat as follows:—
"EDWARD, by the Grace of GOD . . . to all and Singular our
"loving Subjects, to whom these presents shall come, Greeting!
"Whereas the Emperor of the Russias has appointed X to be his
"Consul at Y and We having approved of this appointment,
"Our Will and Pleasure are and We hereby require that you do
"receive, countenance and, as there may be occasion, assist him,
"the said X, in the exercise of his office, giving and allowing unto
"him all the Privileges, Immunities and Advantages, thereunto
"belonging."

A special "Exequatur" is not, usually, granted by the local Government in the case of Elective Consuls; but the necessary steps are taken by the Legation to obtain his recognition from the local Government, and the State Consul to whom he is subordinate acquaints the authorities of the town or port where the newly appointed Elective Consul will reside, of his nomination to the post. The State Consul informs the Ministry of Finance and the Central Board of Commercial Shipping and of Ports when the appointment has been recognised by the local authorities.[2]

§ 12. Appointment of Elective Consuls in Germany, Spain, France and Italy.

The right of State Consuls to appoint Elective Consuls has been specially confirmed by the Consular Conventions concluded by Russia with **Germany** on the 26th November/8th December 1874, with **Spain** on the 16th/28th April 1875, with **France** on the 20th March/1st April 1874, and with **Italy** on the 16th/28th April

[1] Cons. Reg., Art. 6. [2] Cons. Reg., Art. 9.

1875. Art. 7 of these Conventions states: Consuls-General and Consuls may appoint Vice-Consuls and Consular Agents in the towns, ports or localities of their Consular districts, subject to the approval of the local Government. These officials may be selected either from the subjects of one or the other of the States concerned, or from foreigners, and are furnished with a patent executed by the Consul by whom they have been appointed and to whom they are subordinate. They are entitled to the privileges and exemptions stipulated for by the above-mentioned Conventions, except the following, viz.:—exemption from the payment of house-duties, military contributions, direct and personal taxes, and duties on personal effects and luxuries, arrest and the obligation to attend courts of law, &c. in person, when called upon to give evidence.[1]

Belgium, Switzerland

The right to appoint Russian Elective Consular Officers is also expressly stipulated for in the treaties of commerce and shipping with **Belgium** of the 28th May 9th June 1858, and in the treaty of commerce with **Switzerland** of the 14th 26th December 1872.[2]

Although Elective Consular Officers are ordinarily appointed on the initiative of the State Consul for the District[3], there are cases when this is done by the Embassy or Legation: as, for instance, in countries like Belgium, where there are no State Consuls. In countries beyond the seas, where there are no Russian Legations or State Consuls, the Ministry for Foreign Affairs can appoint Elective Consular Officers on its own initiative.

CHAPTER V.—Leave of Absence.

§ 13. Leave of Absence of State and Elective Consular Officers.

Consular Officers are under the obligation to be always present at their official place of residence, or within their Consular district. Generally speaking, therefore, Consuls may only leave their place of residence and district, if they have requested and obtained permission to do so. Elective Consuls should obtain such permission from the State Consuls to whom they are subordinate. At the same time, they are permitted—in view of their private business—to leave their place of residence without first obtaining special permission to do so, if their absence is only to be of short duration; or if the necessity for their absenting themselves is so urgent that it is impossible for them to apply for leave in time. In such cases they must leave a suitable substitute, for whose actions they will be responsible. There is no fixed limit to the period during which Elective Consuls may thus be absent from their posts without leave, it being assumed that Elective Consular Officers will not protract their absence unnecessarily or to the detriment of the

[1] Arts. 2 and 3 of said Convention.
[2] See "Consular rights and privileges." Part I., Chapter 7.
[3] Cons. Reg., Art. 6.

service. If a more protracted absence is contemplated, the Elective Consular Officer must request permission from his superior State Officer, accompanying the request with a recommendation of a suitable Deputy. In all cases, therefore, of the absence of an Elective Consular Officer, the steps taken to supply a suitable Deputy must be notified to the proper State Officer. The absent official is also required to arrange that all communications and instructions from his superior officers shall reach him—even during his absence from his official residence.

CHAPTER VI.—RETIREMENT OR DECEASE OF CONSULAR OFFICERS.

§ 14. Retirement of Consular Officers.

WHEN a Russian State or Elective Consular Officer gives up his post for the purpose of retiring or changing his service, he must deliver in good order to his successor: the seals of the Consulate; all the Consular books and registers; all moneys and valuables deposited in his care, and all papers relating to the service. The retiring Consular Officer, and the person who succeeds him, must draw up a protocol containing a detailed inventory of all the articles transferred, using the following form:

In the year on the
we, the undersigned X and Y have drawn up this protocol, to the effect that the former has handed over and the latter received all the property, papers and effects of the Imperial Russian (Vice) Consulate at Z, viz.:—

1. The archives, consisting of . . . . . .
2. Two official seals.

. . . . . .

§ 15. Protocols on Retirement of Consular Officer.

It is further desirable that the retiring officer should state expressly in the protocol that—as far as he knows—no papers, money, effects or any other thing constituting the property of the Consular office remain in his possession. Three copies must be made of the protocol and the original must be signed by both the parties. Of the copies, one remains in the archives of the Consulate, a second one may be taken by the retiring Consular Officer, and the third must be sent to the Department of Personal and Economic matters of the Ministry of Foreign Affairs. If the retiring Consular Officer is Elective, the third copy of the protocol must be sent to the State Consul to whom he is subordinate.

§ 16. Death of Consular Officer.

In the event of the death of a Russian Elective Consular Officer, the State Consul to whom he was subordinate must be advised of the death with as little delay as possible; he will arrange for an inventory to be taken of all the effects belonging to the Consular

Office, and will, if he is unable to attend to the matter himself, authorise a responsible person to do so. The deceased officer's successor must draw up a protocol and proceed, generally, as in a case of retirement of a Consular Officer.

On the death of a State Consul, the Legation or Embassy to whom he is subordinate must be advised of the event, and the Acting Consul, or the person empowered to do so by the Legation or Embassy, must proceed to take the requisite steps to ensure the safety of the Consular Archives, and make an inventory of the property belonging to the Consular Office and a statement of the Consular Accounts. A copy of the inventory, and of the cash account, must be sent to the Department of Personal and Economic matters of the Ministry of Foreign Affairs. He must also take the necessary steps to secure the personal property of the deceased. If the local laws do not admit of the intervention of the Acting Consul in the affairs of the deceased officer, and if there are no special treaties regulating the matter, the local authorities must proceed with the case. On the appointment of a Consular Officer in place of the deceased, he must proceed as in the case of retirement of a Consul.

CHAPTER VII.—RIGHTS AND PRIVILEGES.

THE Rights and Privileges enjoyed by Consuls are of two kinds: those relating to the person of the Consular Officer, and those relating to the Consular Office. The latter are dealt with under the various heads in other chapters, the subject of the present one being the Personal Rights and Privileges of the Consular Officer.

§ 17. Rights and privileges of Consular Officers.

It has long been a point of international custom to accord to Consular Officers, in their official capacity, certain privileges to which other foreigners are not entitled. State Consuls, by international courtesy, are, for instance, free from all direct duties: such as income tax, &c. A recapitulation of the privileges ordinarily accorded to Consular Officers without special treaty, will be found in Calvo: 'Droit International,' 4 Edition, V. 3, p. 235, et seq. It must, however, be borne in mind that in the absence of treaties between the States concerned, and of corresponding legal enactments within the States where the Consuls reside, there can be no question of actual right to such concessions. Russian Consular officials are invited to report to the Russian Ministry of Foreign Affairs, without delay, any case of denial of those Consular privileges that are usually granted by international courtesy, in order that the Consular representatives, in Russia, of the State concerned, may be dealt with on terms of reciprocity.

§ 18. In France, Germany, Italy and Spain.

The Rights and Privileges of Consular Officers were definitely fixed by Russia in her Consular Conventions concluded with **France** on the 20th March/1st April 1874, with **Germany** on the 26th November/8th December 1874, with **Italy** on the 16th/28th April 1875, and with **Spain** on the 11th/23rd February 1876. In these identical conventions the privileges of State and Elective Consuls are stated as follows:—

§ 19. Exemption of Consuls from arrest.

(*a.*) State Consuls (not Elective Consuls) can neither be arrested nor put in prison except for deeds which, according to local law, are triable by jury. If required to give evidence in courts of law, they must be invited to attend by an official letter from the local tribunals and not by the customary summons to appear on pain of punishment; and they may excuse themselves, on the ground of Consular business, from such attendance in civil causes, in which case the local authorities must send to the Consul to take his verbal deposition, or to have the same reduced to writing. (Arts. 1 and 2.)

Russian State Consuls in **Austria** are also accorded the above privilege.[1] Russian Elective Consular Officers who are engaged in trade, are liable to arrest for commercial insolvency, but not for other debts.

§ 20. Exterritoriality of Consular archives.

(*b.*) The archives of Russian Consular Officers are exempt from the power of the local authorities, who cannot, upon any pretext, either seize or inspect them. Consular Officers engaged in Commercial enterprises must keep all papers and documents relating to their official duties separate from those relating to their commercial affairs. (Art. 5.)

§ 21. Flag and Escutcheon of Consulate.

(*c.*) Russian Consular Officers are entitled to exhibit, over the outer entrance of their official residence, an escutcheon with the arms of the Russian Empire and the inscription: "Consulate General"; Consulate"; "Vice-Consulate"; or "Consular Agency," "of Russia," according to the rank of the particular Consular Officer. The primary object of this sign, as the Consular Conventions expressly state, is to enable seamen and other Russian subjects to recognise the office of the Consul of their country. (Art. 4.) It does not grant any right of asylum, and Consuls are not at liberty, under any circumstances, to convert their official residence into a house of refuge for criminals; nor are they permitted to refuse information to the local authorities, when required to do so, as to whether a criminal who is wanted by such authorities is in the house or not. Consuls in seaports are permitted, further, to hoist the Consular flag either on the house they occupy or on a separate flag-staff and, when in the course of their duties in the harbour or port they have occasion to employ a rowing-boat, they may hoist such flag at the prow thereof. (Art. 4.)

The Russian national flag is white, blue and red, in three horizontal stripes beginning from the top. In the ports where the

[1] Circular of the II. Department of the Russian Ministry of Foreign Affairs of the 16th November 1894, No. 8870.

Consuls reside they are allowed to hoist at the prow of rowing boats the same flag, but showing on a white field in the upper corner near the flagstaff a blue anchor with the anchor ring towards the top.[1]

According to Art. 15 of the Russian Consular Regulations the Consular flag may only be hoisted on rowing boats and in ports where the Consul has his permanent residence. From this it appears, that Consular Officers are not entitled to hoist the flag in ports where they only reside temporarily. The article in question further permits them to hoist the flag, if the local authorities have no objection, on the houses where they reside. If, therefore, at the place of residence of the Consular Officer it is not the custom to hoist Consular flags on houses, he must refrain from doing so.

(*d.*) Russian State Consuls (not Elective Consuls) are exempted from any obligation to furnish quarters for the military or to pay military contributions, and are free from payment of house duty and direct taxes on personal estate and luxuries imposed by the State or the local communal authorities, unless they possess real estate in the country. In such case they pay the usual taxes as private persons as far as such real estate is concerned, and are subject to the same legal procedure as the landowners who are natives of the country, *i.e.*, they must pay all taxes which are borne by native landowners on the property they own. (Art. 2.) The privileges accorded to State Consuls do not extend to Customs duties, duties on food-stuffs and indirect taxes in general. Thus, in Russia, for instance, the Consular representatives of foreign powers are not accorded the privilege of exemption from customs duties which is mentioned in Arts. 380, 949, 950, 953 and 954 of the Russian Customs Regulations (Svod Zakonov, vol. VI., edition 1892), and which is granted to foreign "diplomatists" serving in Russia. They are entitled only to the reduction of Customs duties mentioned in Art. 910 of the Customs Regulations, which is likewise accorded to all foreigners coming to Russia for permanent residence, and to Russian subjects returning to the country after a residence abroad of two years and more.[2]

§ 22. Consular protests against infraction of Treaties.

(*e.*) Consuls have the right, in the exercise of the powers which are conferred on them, to address to the authorities of their Consular district protests against infractions of treaties or conventions existing between Russia and the State in which they reside, and against any abuse or injustice to which the State they represent may have been subjected. If their claim be ignored or denied by the authorities concerned, they may have recourse, in the absence of a diplomatic official of their own country, to the Government of the State in which they reside. (Art. 8.) There can be no doubt, therefore, that in cases of this nature Consular Officers are entitled to enter their protests directly, either in the

[1] Circular of the Department of Personal and Economic matters of the Russian Ministry of Foreign Affairs of the 31st December 1896, and Cons. Reg., Art. 15.

[2] See Reduction and Exemption from Customs Duty, Part IX., Chap. II.

courts of law or with the responsible State officials, and do not need to follow the customary modes of procedure or to be represented by lawyers or attorneys as is obligatory for private persons. In the writer's own practice at the Russian Consulate-General at Berlin, he frequently had occasion to emphasise this fact against the improper interpretation of the Consular Convention in certain courts of that city. Even a German authority like **König** ("Handbuch des Deutschen Konsularwesens," Berlin, 1896, page 28) emphatically maintains the same opinion. It is obvious, therefore, that the Consul in the course of his official duties has the right to maintain his official character even in courts of law or before the organs of administration.

§ 23. Notification of Consul by local authorities of proposed visit of inspection to ship.

(*f.*) The Consul must be notified by the local authorities whenever the police or Custom-house officers intend to visit a Russian ship, in order that he may have the opportunity of being present. (Art. 10.)

§ 24. Consular privileges in Great Britain.

In **Great Britain** the Rights and Privileges enjoyed by Russian Consular Officers rest on the Convention of Commerce and Navigation concluded between Russia and Great Britain on the 31st December/12th January 1858-59, according to which the Russian Consuls-General, Consuls, Vice-Consuls and Consular Agents, who have been duly recognised in their official capacity by the British Government, enjoy all the privileges, exemptions and immunities, which are accorded or will be accorded to Consuls of the most favoured nation. (Art. 15.)

§ 25. In Austria, Peru, U.S.A. Japan, Switzerland and Belgium.

A similar clause is contained in the Treaties of Commerce and Navigation concluded by Russia with **Austria** on the 2nd/14th September 1860 (Art. 17); with **Peru** on the 4th/16th May 1874 (Art. 20); with the **U.S of N. America** on the 6th/18th December 1832 (Art. 8); with **Japan** on the 27th May 1895 (Art. 15); with **Switzerland** on the 14th/26th December 1872 (Art. 8); and with **Belgium** on the 28th May/9th June 1858 (Art. 17). In the two latter treaties there is the following identical restriction (Art. 9 of the treaty with Switzerland and Art. 18 of the treaty with Belgium): "It is specially understood that if Russia chooses to "nominate as her Consul in a port or commercial city of Belgium "(Switzerland), a Belgian (Swiss) subject, he will be regarded as "a Belgian (Swiss) subject notwithstanding his office as Consul of "a foreign country. He will therefore be subject to the laws of "the country, without prejudice to the performance of his Consular "duties or to the inviolability of the Consular archives."

§ 26. In the Netherlands.

Similar stipulations are provided in the Treaty of Commerce and Navigation concluded between Russia and the **Netherlands** on the 1st/13th September 1846 (Art. 14), and in the protocol of the Treaty of Commerce and Navigation concluded between Russia and **Greece** on the 12th June 1850. The latter treaty contains (Art. 8) the following statement: "As long as the Exequatur is not withdrawn "from a person fulfilling a Consular Office, he is not liable to arrest."

§ 27. In Greece.

§§ 23, 24, 25, 26, 27.

Consuls are not entitled to special honours in Christian countries. It is not customary for them to be presented to the Sovereign of the country in which they are officially resident: at some courts, indeed, this is precluded. As regards the question of precedence and other formalities in the case of public festivities, the Consuls must conform to local usage. They may not claim any honour which is not accorded to Consuls by local custom.

§ 28. Consular rank and precedence.

As regards the question of rank of the Consuls of various powers, these are now universally decided on the principles, adopted with respect to diplomatic agents at the Vienna Congress of 1815, according to which the Consuls are ranged in the order of their Consular rank, *i.e.* first the Consuls-General, then the Consuls, and lastly the Vice-Consuls. The order of precedence of the individuals in the various classes is determined by seniority of service.

§ 29. British "General Instructions for Consuls."

The British "General Instructions" state under this head that: "Consular Officers will take rank in their respective grades "amongst their colleagues at the port of their residence in con- "formity with the rules prescribed by the Congress of Vienna for "diplomatic agents," viz.: Seniority according to official title and to priority of recognition. Consuls-General who are, in addition, "Agents," "Political Agents," "Commissioners," &c., have no right of precedence of the Consuls-General of other States who have not similar titles. At assemblages of all the Consuls resident at any given place, the "*doyen*" of the Consular body presides. He is also entitled to summon such meetings of the Consular body.

§ 30. Doyen of Consuls.

The question whether only a State Consul may be the *doyen* at assemblages composed of both State and Elective Consuls is decided by local usage. It has often been considered permissible to acknowledge an Elective Consular official as the *doyen* of a Consular body. Whether this could be objected to is debateable. It must, however, be admitted, that it is preferable for the *doyen* to be a State Consul, for the following reasons: under the existing Consular Conventions, a State Consul has more rights and privileges than an Elective Consul; in his position as a foreigner, he is more independent of the local authorities; from his education and training he is better qualified to decide upon the duties and rights of Consuls, and, finally, his office is not, as in the case of an Elective Consul, a secondary profession, but forms the principal occupation of his life.

For the honours accorded to Consuls when visiting vessels belonging to the Russian Imperial Navy, see the paragraph "Imperial Navy."—Commercial vessels hoist the national flag when visited by a Consular Officer.

§ 31. "Most-favoured nation clause" as to Consular privileges.

If a Consular Convention contain the clause that Russian Consuls are to enjoy all the privileges and exemptions accorded to officials of the same rank belonging to the most-favoured nation (most favoured nation clause), Russian Consuls may claim the more extensive privileges and immunities accorded to the Consular Officers of other nations, provided the Consuls of the

State in question are accorded similar rights in Russia. Russian Consuls must, therefore, ascertain beforehand that reciprocity is accorded by Russia.

§ 32. Legal domicile of Consuls.

As to the jurisdiction to which State Consuls are subject, they retain the legal domicile, which they had in their native State, so that State Consuls belong to two jurisdictions: that of their residence abroad and that of the domicile which they have in their native State. If State Consuls reside in a country where Consular jurisdiction exists and where Russian subjects are exempt from the local jurisdiction (as for instance in Turkey), the Consul himself is subordinate to the Consular jurisdiction; but as he himself is prevented from exercising this jurisdiction in his own private affairs (*judex in propria causa*), the Deputy-Consul or another Consul is, in such cases, competent to act as judge.

§ 33. Exterritoriality of Consuls.

Russian Consular Officers in **Turkey** and other non-Christian States, where Russian subjects are not subject to the local law-courts, enjoy various extensive privileges, immunities and advantages classed under the term of exterritoriality. In these countries there are no Elective Consular Officers.

CHAPTER VIII.—CONSULAR OFFICERS AND LOCAL AUTHORITIES.

§ 34. Local authorities and Consular Officers.

THE assistance and co-operation of the local authorities is indispensable for the satisfactory and prompt performance of many Consular duties, and the value of the assistance rendered by the Consular Officer to Russian subjects is largely dependent on the goodwill of the public officers to whom he is obliged to apply. It is highly important, therefore, that Consular Officers should endeavour to maintain the very best relations with the authorities. A Consular Officer should not, for instance, neglect local customs and usages in his business relations. He should accept all invitations to participate in local festivities of a national character and, if local custom requires it, he should, on such occasions, hoist his flag and illuminate the Consulate. If, however, his participation in such festivities appear inexpedient for reasons of an altogether special character: *e.g.*, if there should be reason to believe that by doing so the Consul would be likely to convey a wrong impression as to the views or intentions of his Government; he should decline the invitation in courteous terms. Russian Consular Officers should also refrain from participation in any demonstrations directed against the local Government or authorities and from expressions of sympathy with any political party. This attitude of reserve, which is indispensable from the nature of the Consular calling, will also preclude their taking part in collective

manifestations, even though not of a political nature, since their doing so, from the collective form of the demonstration and the mutual agreement implied, might be considered to impose certain responsibilities on the Russian Government. In any such cases they should first request special instructions from their superiors.

If at any time the local authorities should show themselves dissatisfied or aggrieved in consequence of some action on the part of a Russian Consular Officer, the latter should spare no effort to clear up the misunderstanding and to make sure that it does not occur again. At the same time he must be very careful not in any way to lower his own dignity or that of his office.

He must defend the rights of his office and those of Russian subjects and must take especial care to prevent any injury to the interests of the trade or shipping of the Russian Empire. He should, if the matter has not been regulated by special State treaties, point out to those concerned the community of interests of the two countries and, by a careful and exhaustive study of the special circumstances, be able to prove to the local authorities that, in accepting his representations, they will be promoting the interests of their own country.

All requests addressed to the authorities of the country where the Consul resides, must be couched in strictly moderate language. Uncivil or offensive expressions generally do more harm than good and, even in cases of difference of opinion, the form of expression should be in accord with the dignity attaching to Government matters.

If the Consul is unable to obtain satisfaction from the local authorities and considers that the interests of the country he represents or those of his countrymen are endangered, he should report the matter to his immediate superior, *i.e.*, the State Consul or the Legation or Embassy. Consular Officers are prohibited from addressing themselves directly to the Central Authorities of the country.

Consular Officers are, further, not permitted, without special instructions to that effect, to break off their relations with the local authorities. Pending instructions, Consular Officers must refrain from all outward manifestations of their conflict with the authorities and if, under such circumstances, they fail to receive adequate protection from attacks either upon their persons or office (arms and flag) they must act as best they can under the circumstances, doing all in their power to avoid a public scandal.

CHAPTER IX.—Inspection of Elective and State Consulates.

§ 35. Inspection of Consulates.

Whenever the interests of the service require it, and at least every three years, the State Consuls should inspect the Consulates in their districts. They should examine the affairs of the Elective Consulates subordinate to them and draw the attention of the Consular Officers to any measures that should, in their opinion, be taken or be recommended to the Government, for the furtherance of the interests of Russian Trade and Shipping. State Consuls in their turn are inspected, as often as the Ministry of Foreign Affairs considers necessary, by special State employees, sent by the Ministry for that purpose.[1]

CHAPTER X.—Commissions from Government.

§ 36. Commissions from the Government.

Consular Officers are frequently entrusted by the Government, whose Agents they are, with special commissions: such as the making of particular inquiries; the supplying of information on various matters; the delivery of communications to persons residing within their Consular districts; the serving of summonses issued by Russian courts of law, &c. &c. In the latter case, it often happens that the person to whom the summons is issued refuses to accept it. In such cases a written statement should be obtained from the person or firmin question, to the effect that acceptance of the summons is declined, and be sent to the State Consul of the district as a voucher that the commission has been duly executed. The Consular Officer should, at the same time, explain to such person or firm, that the refusal to accept and acknowledge the receipt of a summons can in no way alter the course of justice, while, on the other hand, such refusal may result in the person summoned being dealt with by the court as *in contumacia*. It is, therefore, plainly in the interests of such person to receive and sign the summons and to empower an attorney to defend his interests before the courts in Russia.

Direct communication by post with the persons summoned is not recommended, as they frequently refuse to give the vouchers required of them or even to return the documents. If such persons are not local residents, the Consular Officer is recommended to apply to the police of their place of residence, requesting them to make the necessary communication, or to hand over the document in question against a voucher signed by the recipient, which voucher must be sent to the State Consul.

[1] Cons. Reg., Art. 11.

CHAPTER XI.—Archives and Office.

§ 37. Archives.

The Consular archives must be arranged in accordance with a system that will allow of easy reference, and the plan of filing under the following heads is recommended:—

I. Accounts and reports as to Consular fees.
II. Personal staff and economic matters of the Consulate.
III. Circulars and General Instructions from the Government.
IV. Purchase and Sale of Ships; Flag Patents.
V. Shipwrecks; Damages to Vessels; Repatriation of Russian Sailors and accounts relating to outlays incurred in such cases.
VI. Other Matters relating to Russian Ships and their Crews.
VII. Special Reports as to Trade and other matters.
VIII. Annual Reports on Trade and Shipping.
IX. Sundries.
X. Legalisation of Documents.
XI. Copies of Legalised Documents.
XII. Passports and Visas of same.
XIII. Commissions and Enquiries from the Russian Government.
XIV. Commissions and Enquiries from Private Persons.
XV. Epidemics.
XVI. Consular Reports Edited by the Ministry of Finance. (Only for State Consuls.)

§ 38. Consular book-keeping.

The books required to be kept in the Consulates are as follows:—

1. Book No. I., for the registration of the official correspondence, must be kept in such a manner as to allow of the progress and present position of any matter of Consular business being ascertained promptly and without difficulty. The following form is recommended:—

1. Current Number.	2. Date.	3. From whom received or to whom sent.	4. Abstract of Contents of Letter.	5. Current Number of previous or later Letters in the same Affair.	6. Number of File.
1	1 June	From Mr. X -	Enquiry *re* prices of coal.	3	XIV
2	2 June	To the Consul at Newcastle-on-Tyne.	Sending documents in order to obtain flag patent for ship "Rossija."	4	IV.
3	2 June	To Mr. X -	*Re* coal prices - -	1	XIV.
4	3 June	From the Consul at Newcastle-on-Tyne.	Enclosing flag patent for ship "Rossija."	2 5	IV.
5	4 June	To do. -	Returning receipt, signed by Captain, for flag patent, ship "Rossija."	4	IV.

The above shows the method of making the entries.

[1] Cons. Reg., Art. 12.

Letters received are entered in red ink, while those sent are recorded in ordinary black ink. In the example given above, the entry at No. 2 is to the effect that the Consular Officer has sent to the State Consul at Newcastle, the documents necessary in order to obtain a flag patent for the ship "Rossija," and column 5 contains the number 4, which is the current number of the answer received from the Consul at Newcastle, and is inserted when the answer is entered in the book; a cross-reference in the same column at number 4 pointing back to the original letter, No. 2. Column 5 at No. 4, further contains the index number 5, which is the next and final letter in the affair, as the delivery by the Captain of a signed undertaking to report himself at a Russian port within 12 months after receipt of the provisional flag patent is the last stage in such a transaction. In this instance there are only three numbers, but it frequently happens that particular cases involve considerable correspondence: by the system here recommended, the progress and present position of any affair may be traced by referring to the numbers in column 5. As soon as a matter is disposed of it is filed and the file is indicated by a Roman figure in column 6. In the case of the provisional flag-patent, the correspondence is filed under No. IV., viz., "Purchase and Sale of Ships; Flag Patents."

2. Book No. II. is intended for the registration of the various documents or Consular acts legalised, attested or carried out at the Consulate, such as: Certificates of Origin, Bills of Health, Invoices, &c., and in general every attestation that may be made by the particular Consular Officer. The following plan is recommended for this book:—

1. Current Number.	2. Date.	3. Amount of Fee in Local Currency.	4. Contents of the Deed or Document.
		s. d.	
30	1 March	6 5	Legalisation of power of attorney from X, in favour of Y, empowering Y to act as X's representative in his commercial affairs in Russia.

Book No. 3 is intended for the entering in terms of Russian currency of all sums received in the form of fees according to the Consular Tariff, and must be kept as follows:—

1. Current Number.	2. Date.	3. § Of the Tariff.	4. Reference Number of Book and Entry.	5. Description of Document or Act.	6. Amount of Fees levied in Russian Currency.
					Rs. cops.
50	1 March	9	30^{II}	Power of attorney -	3 –
51	"	24	2^{VI}	Ship duties, "Rossija"	7 60
52	"	13	5^{IV}	Will - - -	8 50

The method of making the entries in this book is not difficult to understand.

The number 30^{II} in the fourth column of the model shown above, means that the power of attorney legalised on the 1st March, was the 30th entry in Book II., since the beginning of the year; the number 2^{VI} shows, in like manner, that the Russian ship "Rossija" was the second ship to clear from the Consulate and was, therefore, entered as No. 2 in Book VI. of the said Consulate; the number 5^{IV}, again, shows that the will entered on the 1st March in Book IV. of the Consulate, was the fifth to be so entered, from the beginning of the year.

4. Book No. IV. is reserved for entering, word for word, the text of all wills presented open at the Consulate, and for the registration of all sealed packets containing wills which are deposited with the Consulate—with a detailed entry in both cases of the manner in which the wills were delivered, *i.e.*, whether they were presented by the testator in person or sent; and, if so, when, by whom, by what means, &c. The wills, with all signatures and counter signatures, must be entered, successively, without any space between them. The entries must contain no erasures but, in case of mistakes, the words to be effaced must be crossed out in such a manner that they remain legible, and the words to replace them must be written above the line. Every insertion or correction of words must be expressly mentioned and attested by the Consul. The entry must be signed by the testators or their attorneys, at foot. Sealed packets containing wills must be firmly tied with crossed strings and sealed with the Consular seal, to prevent any substitution. All *official reports* made on the subject of the wills must likewise be entered in this book.

5. Book No. V. contains the record of all measures taken after the death of a Russian subject, either in the interests of his children under age, or in those of his absent heirs. In this book are entered, also, particulars of all money, bills of exchange, bank notes and any other articles of value which may have been deposited at the Consulate.

6*a*. Book VI*a*. is only kept at Consulates at seaports, and is used for entering particulars of Russian or Finnish ships clearing in and out at the Consulate. The use of the following form is recommended:—

1. Current Number.	2. Date of Arrival.	3. Date of Departure.	4. Name of Ship.	5. Reg. Tonnage.	6. Name of Captain.	7. Number of Crew and Passengers.	8. Number of Russian Subjects on Board.	9. Name of Owners.	10. Port of Registry.	11. From where Arrived.	12. Quantity and Value of Inward Cargo.	13. Freight on Inward Cargo.	14. Duration of Voyage.	15. Russian Ship?	16. Finnish Ship?	17. Name of Local Agent.	18. Port of Destination.	19. Quantity and Value of Outward Cargo.	20 Freight on Outward Cargo.

6*b*. Book No. VI*b*., also only used at seaports, is used for entering verbatim all protocols drawn up at the Consulate (with the exception of those relating to wills); of Bills of Sale or Builders' Certificates of ships bought by Russian subjects within the Consular district; of sea protests, and all documents relating to shipwrecks or damage to Russian or Finnish vessels, and of all declarations made by Captains of vessels sailing under the Russian flag, or by other persons.

7. Book No. VII. contains a record of all documents issued or legalised gratis by the Consulate: as for instance, Bills of Health for Russian ships; certificates issued to sailors of service on board vessels and the legalisation of such documents; passports to Russian seamen, &c., &c. This book must have its own current number.

In addition to the archives the Consular Office should contain a board for official notices and intimations, and pigeon-holes for letters addressed to the captains or crews of Russian vessels or other private persons, at the Consulate.

CHAPTER XII.—DOCUMENTS AND VALUABLES DEPOSITED AT RUSSIAN CONSULATES FOR SAFE CUSTODY.

§ 39. Deposits of Documents or Valuables at Consulates.

SUMS of money, valuables or documents constituting the property of Russian subjects may be deposited for safe custody in the archives of Russian Consulates. A Russian Consul is bound to accept wills and documents on deposit, but he has the right to refuse to take care of sums of money, valuables, and effects, except for very weighty reasons. Every deposit of a will must be confirmed by a receipt signed by the Consul and bearing the Consular seal. Deposited wills are kept at the Consulate until the death of the testators, unless they demand the return of them either in person or through an attorney furnished with a proper power of attorney, or unless they have expressly devised otherwise. The Consul will take all possible care of the documents, valuables, and effects deposited at the Consulate and return them intact at the first demand of either the depositor or the person in whose name the deposit was entrusted to the Consulate, or of the person whom the lawful owner of the deposited articles may have authorised to claim them.

In case of death of the owner of the deposited articles, or in case he should have incurred civil death, the deposited property must be handed over to the lawfully recognised heirs or to the II. Department of the Ministry for Foreign Affairs, who will cause the same to be forwarded to the persons entitled to it.[1] In case of embezzlement, opening, loss, or deterioration of the articles deposited in his care, the Consul is, excepting in extraordinary

[1] Cons. Reg., Art. 80.

emergencies, subject to the responsibility fixed by Arts. 2105, 2107, 2115, of the Code of Civil Laws, which stipulate as follows:—

Any person undertaking the custody of property, money or deeds must adopt the same measures for their safe keeping and preservation from damage as he would in the case of his own property. If, however, such property, money or deeds be removed from his custody by violence; or destroyed or damaged as a result of some wholly exceptional occurrence; he is relieved of all responsibility for such loss, destruction and damage, even though it appear that he could have saved the articles entrusted to his care, although not without considerable risk to his own property. Such responsibility cannot be repudiated, however, if the return of the articles to their owner on the first demand has been refused. A person undertaking the custody of property is not, under any circumstances whatever, entitled to convert such property to his own use; but he may claim remuneration if, in order to preserve such property from possible loss or damage, he has been obliged to incur expenses: provided a stipulation to that effect was made in the agreement as to the custody of the property, or if such expenses are incurred as a result of circumstances which it was altogether impossible to foresee at the time when the said agreement was made. If the property left in the custody of a second person is sealed and locked up, and if, in the absence of the owner, the custodian open, unseal and examine the property, the owner of such property may claim compensation from the latter for all articles or sums of money which may be missing from the parcel and for all damages which may have been caused by opening it.

For the improper refusal to return the property to the owner on demand, the person in whose charge it has been deposited must pay all damages which the owner may have incurred through the delay in returning his property, including the legal interest (at the rate of 6 per cent. per annum) on all money left in his custody, commencing from the day on which the action for the recovery of the property was brought. Every deposit, or withdrawal of deposits against receipt, or loss or deterioration of articles, must be entered in Book No. V. of the Consulate.

A special case of deposit at Russian Consulates is provided for by the note to Art. 16 of the Consular Regulations, which establishes, that in all cases where, on the basis of the Code of Civil Procedure, law costs or duties are to be paid in to the proper court of law, parties not residing in Russia may, instead, present a certificate from the Russian Consul of the district to the effect that he has received the required amount from them. This, however, only applies to State Consuls.

CHAPTER XIII.—THE CONSULAR DISTRICTS.

§ 40. State Consular Districts.

THE jurisdiction of every State Consul, both as regards the legalisation of documents issued by the local authorities and the power over Elective Consuls, is defined by geographical limits. The districts of the following State Consulates are shown below :—

State Consuls.	Their Districts.
	Argentine Republic.
Acting Consul at Buenos Ayres.	The Argentine Republic.
	Austria and Hungary.
Consul General at Vienna.	Upper and Lower Austria, Bohemia, Moravia, Silesia, Istria, Salzburg, Tyrol, Carinthia, Carniola and the Adriatic Province.
Consul General at Buda-Pesth.	The Kingdom of Hungary, with the exception of the Port of Fiume.
Consul at Lvoff (Lemberg).	Galicia.
Consul at Trieste.	Trieste.
Consul at Fiume.	Fiume and Dalmatia.
Consul at Czernowitz.	Bukowina.
	Baden.
Chargé d'Affaires at Carlsruhe.	The Grand Duchy of Baden. **Vice-Consulate** at Mannheim.
	Bavaria.
Mission at Munich.	The Kingdom of Bavaria. The Bavarian Palatinate (of the Rhine). **Vice-Consulate** at Nuremberg.
	Belgium.
Mission at Brussels.	The Kingdom of Belgium. **Consulates** at Antwerp, Ghent, Lüttich (Liège) and Ostend; **Vice-Consulates** at Brügge (Bruges) and Charleroi.
	Bosnia.
Consul at Seraÿevo.	Bosnia.
	Brazil.
Consul at Rio de Janeiro.	Brazil. **Vice-Consulates** at Rio de Janeiro, Bahia, Pernambuco, Santos, Bélem (Para) and Porto-Alegre (Rio Grande do Sul).

State Consuls.	Their Districts.
	Bremen.
Consul at Bremen.	The free city of Bremen and territories. Grand Duchy of Oldenburg and the subordinate Duchies of Lübeck and Birkenfeld. **Consulate** at Bremerhaven.
	Bulgaria.
Diplomatic Agent and Consul-General at Sofia. Vice-Consul at Varna. Consul at Rustchuk. Vice-Consul at Philippopoli. Vice-Consul at Burgas.	
	Chili.
Consul at Valparaiso.	Chili.
	China.
Consul-General at Pekin. Consul at Kuldja. Consul at Chuguchak. Consul at Tientsin. Consul at Urga. Consul at Shanghai. Vice-Consul at Chefoo. Consul at Kashgar. Consul at Urumtsi. Consul at Foochow. Consul at Hankow. Consul at Neu-chwang.	
	Corea.
Consul-General at Seoul. Vice-Consul at Masampo.	

State Consuls.	Their Districts.
	Denmark.
Consul-General at Copenhagen.	Denmark. **Vice-Consulates** at Copenhagen, Elsinore, Hjörring, Lemvig, Nexö, Nyborg, Aarhuus, Thisted, and Frederikshavn. **Consulate** at St. Thomas (Antilles).
	Egypt.
Diplomatic Agent and Consul-General at Cairo.	**Consulate** at Port Said. **Vice-Consulates** at Alexandria, Damietta, Mansurah, and Suez. **Consular Agencies** at Assiut, Assouan, Beni-Suef, Ghirghé, Sagazig, Keneh, Luxor, Minieh, Raïtho.
Consul at Alexandria.	Sohag, Tantah and Esneh.
	Equador.
Consul at Guayaquil.	
	France.
Consul-General at Paris.	Paris. Eastern and Central France and the French Colonies. **Vice-Consulate** at Vichi. **Consulates** at Lyon, Pau, Rheims, Saint Valery sur Somme, Djibutil (French Somaliland).
Consul at Bordeaux.	The coast and ports of the Atlantic from Brest to Bayonne. **Vice-Consulates** at Bayonne, Brest, La Rochelle, Nantes, St. Nazaire and Rochefort.
Consul at Havre and Rouen.	The coast and ports of the English Channel. **Vice-Consulates** at Boulogne-sur-Mer, Dieppe, Dunkirk, Calais and Cherbourg.
Consul-General at Marseilles.	The coast and ports of the Mediterranean, with the exception of Nice and its environments. **Consulate** at Toulon. **Vice-Consulates** at Ajaccio, Port Vendres and Cette.
Consul at Nice.	Nice and its environments. **Vice-Consulates** at Villefranche, Cannes and Mentone.
Consul at Algiers.	The colonies of Algiers and Tunis. **Consulate** at Tunis. Vice-Consulate at Oran.
	Great Britain and Colonies.
Consul General for Great Britain in London.	The South of England. **Vice-Consulates** at Birmingham, Bristol, Gloucester, Bridgewater, Harwich, Dover, Cowes (Isle of Wight), Plymouth, Portland, Weymouth, Portsmouth, Gosport, Ramsgate, Margate,

§ 40.

State Consuls.	Their Districts.
	Great Britain and Colonies—*continued.*
	Deal, Rochester, Chatham, Sheerness, Southampton, Falmouth, Exeter and in the islands of Guernsey and Jersey. **Consular Agencies** at Newport and in the Scilly Islands. At **GIBRALTAR—Consulate.** In **AFRICA—Consulates** at Zanzibar, Cape Town, Johannesburg and Natal. **Vice-Consulate** at **ST. HELENA.** In **ASIA—Vice-Consulates** at Aden and Rangoon. In **AMERICA—Vice-Consulates** at Barbadoes, in the Bermudas and at George Town (Demerara).
Vice-Consul at Cardiff and Newport.	Wales, Ireland and the Isle of Man. **Vice-Consulates** at Milford Haven, Swansea, Llanelly, Belfast, Dublin, Queenstown, Cork and Londonderry.
Consul at Liverpool.	The city of Liverpool.
Consul at Newcastle-upon-Tyne.	Scotland; The counties of Cumberland, Northumberland, Durham, and the Cleveland district of Yorkshire. **Vice-Consulates** at Sunderland, Aberdeen, Glasgow, (Greenock, Ardrossan, Irvine, Troon, Ayr), Dundee, Leith, Lerwick (Shetland) and Peterhead; **Consular Agencies** at West Hartlepool, Alloa, Burntisland, Bo'ness, Grangemouth and Stornoway (Hebrides).
Consul at Hull.	The remaining portion of the county of York; the counties situated south of the Newcastle Consular district to a line drawn from Chester to Lowestoft. **Vice-Consulates** at Gt. Grimsby, Gt. Yarmouth, King's Lynn, Leeds, Lowestoft, Manchester. **Consular Agency** at Goole.
Consul at Melbourne.	Australia; **Consulate** at Sydney (N.S.W.), **Vice-Consulate** at Newcastle (Australia).
Consul at Montreal.	Canada and British Columbia. **Vice-Consulate** at Halifax (Nova Scotia).
Consul-General at Bombay.	India.
Vice-Consul at Colombo.	The Island of Ceylon.
Consul at Singapore.	The Malay Peninsula.
Consul at Hongkong.	Hongkong.
Consul at Malta.	The Island of Malta.

State Consuls.	Their Districts.
	Greece.
Consul at Piræus.	**Consulate** at Corfu. **Vice-Consulates** at Arta, Zante, Kalamata, Cephalonia, Patras, Milos, and Finos, Syra and Volo.
	Hamburg.
Mission at Hamburg.	The free city of Hamburg and territories. **Vice-Consulate** at Cuxhaven.
	Hesse-Darmstadt.
Mission at Darmstadt.	The Grand Duchies of Hesse-Darmstadt and Saxe-Coburg-Gotha.
	Italy.
Consulate at Genoa.	Genoa. The provinces of Sardinia, Piedmont and Liguria. **Consulate** at San Remo. **Vice-Consulates** at Savona, Spezia, Turin and Cagliari.
Consul-General at Naples.	Naples. The provinces of Campania, Basilicata, Calabria. **Vice-Consulates** at Catanzaro, Cotrone, Torre Annunciata Tropea and Gallipoli.
Consul at Rome.	Rome. The provinces of Latium, Abruzzi and Molise. **Vice-Consulate** at Civita Vecchia.
Consul at Florence.	Florence and district. Tuscany, Emilia, the Marches, Umbria. **Vice-Consulates** at Leghorn and Ancona.
Consul at Venice.	Town and district.
Consul at Milan.	Lombardy.
Vice-Consul at Brindisi.	The district of Apulia. **Vice-Consulates** at Bari and Tarento. **Consular Agency** at Brindisi.
Vice-Consul at Catania.	Sicily. **Vice-Consulates** at Girgenti, Terranova, Trapani, Messina, Milazzo and Syracuse.
	Japan.
Consul at Yokohama.	
Consul at Nagasaki.	
Vice-Consul at Hakodate.	
Vice-Consul at Kobe (Hiogo).	

State Consuls.	Their Districts.
Lübeck.	
Consul at Lübeck.	The free city of Lübeck and territories. Duchy of Lauenburg.
Mecklenburg-Schwerin and Mecklenburg-Strelitz.	
Consul at Rostock and Wismar.	Grand Duchy of Mecklenburg-Schwerin and Mecklenburg-Strelitz.
Mexico.	
Mission at Mexico.	
Montenegro.	
Mission at Cetinje.	Montenegro.
Morocco,	
Consul-General at Tangier.	Morocco.
The Netherlands.	
Consul-General at Amsterdam.	The Netherlands, **Consulates** at Rotterdam and Batavia, **Consular Agencies** at Harlingen, Helder, Delfzijl, Texel, Vlieland, Terschelling and Flushing.
Persia.	
Consul-General at Bushire.	
Consul-General at Meshid.	
Consul-General at Tabriz.	
Consul at Astrabad.	
Consul at Ispahan.	
Consul at Resht.	
Consul at Kermanchah.	
Consul at Kerman.	
Vice-Consul at Urmiah.	
Vice-Consul at Seistan.	
Peru.	
No State Consul.	**Elective Consulate** at Lima.

State Consuls.	Their Districts.
	Portugal.
Consul at Lisbon.	Portugal and colonies, **Vice-Consulates** at Oporto, Villa Nova di Portimao, Setubal, Moyo (Cape Verd Islands), Porto Grande (Cape Verd Islands, St. Vincent), Punte Delgado (Island of St. Michael, Azores), Terceira (Azores), Flores (Azores), Funchal (Madeira), Horta (Ile de Fayal, Azores), Faro, Lorenzo Marques (Delagoa).
Vice-Consul on the Island of Madeira.	
	Prussia.
Consul-General at Berlin.	Berlin. The Provinces of Brandenburg, Saxony, Hannover, the Duchy of Anhalt and the Principality of Lippe. **Vice-Consulate** at Emden. The **Consulates** at Kiel (southern portion of the Province of Schleswig-Holstein) and Flensburg (northern portion of the same Province) are also subordinate to the Consulate-General at Berlin.
Consul-General at Danzig.	West Prussia and Posen. **Vice-Consulate** at Thorn and Pillau.
Consul at Stettin.	Pomerania. **Vice-Consulates** at Stralsund and Swinemünde.
Consul at Königsberg.	East Prussia, with the exception of the Consular district of Memel.
Consul at Memel.	Memel. Landraths of Memel, Heydskrug, Ragnitz, Tilsit and Niederungen; also part of the Kurische Nehrung, from Memel to the boundaries of the Landrath district of Fischhausen, near the village of Nieden.
Vice-Consul at Thorn.	Thorn.
Consul at Breslau.	Breslau and the Province of Silesia.
Consul-General at Frankfort-on-the-Main.	Frankfort. The Rhine Province, Westphalia, Hesse-Cassel, Nassau, the Principality of Waldeck and Alsace and Lorraine (only as regards the legalisation of documents emanating from these two latter countries, all other matters are under the control of the Imperial Embassy at Berlin).
	Roumania.
Consul at Galatz.	Wallachia; **Vice-Consulate** at Kustendji.
Consul at Dobrudja.	Dobrudja.

State Consuls.	Their Districts.
	Roumania—*continued.*
Consul at Jassy. Vice-Consul at Sulina.	Moldavia.
	(Eastern) Rumelia. (*See* Bulgaria).
	Saxe-Coburg-Gotha.
Mission.	
	Saxe-Weimar and Saxe-Altenburg.
Mission.	
	Saxony.
Mission at Dresden.	Dresden and environs. Duchy of Brunswick.
Consul at Leipzic.	Saxony, with the exception of Dresden and environs; Duchy of Lippe; the principalities of Schwarzburg-Rudolstadt, Schwarzburg-Sonderhausen, Saxe-Meiningen and all the small German States that are not included in other districts.
	Servia.
Legation at Belgrade. Consul at Nissa.	
	Siam.
Chargé d'Affaires and Consul-General at Bangkok.	
	Spain.
Consul-General at Barcelona.	**Consulates** at Cartagena, Sevilla and Mahon. **Vice-Consulates** at Tarrevieja, Tarragona, Valencia, Alicante, Vigo, Bilbao, Santander, Gijon, San Sebastian, Port Posahes, Ferrol, Cordova and La Carogne. **Consular Agency** at Iviza.
Consul at Cadiz.	**Vice-Consulates** at Huelva, Algesiras, Malaga, Almeria, Jeres de la Frontera, Santa Cruz de Teneriffe (Canaries).

State Consuls.	Their Districts.
	Sweden and Norway.
Consul-General at Stockholm.	Sweden. **Vice-Consulates** at Warberg, Westervik, Wisby (Gothland), Haparanda, Helsingborg and Landskrona, Hernösand, Göteborg, Gefle, Hudiksval, Kalmar, Karlskrona, Karlshamn, Luleå, Lysekil, Malmö, Ystad, Trelleborg, Marstrand, Norrköping, Oscarshamn, Piteå, Söderhamn, Strömstad, Sudsvall, Umeå, Skelefteå, Önskjöldsvik.
Consul-General at Christiania.	Norway, excepting Finmark, Tromsö and Nordkap. **Vice-Consulates** at Aalesund, Arendal, Bergen, Bodö, Trondjem, (Drontheim) Laurvig, Mandal, Moss, Haugesund, Stavanger, Tönsberg, Farsund, Flekkefjord, Fredrikstad, Christiansand and Christiansund.
Consul at Hammerfest.	The provinces of Finmark, Tromsö and Nordkap. **Vice-Consulates** at Vadsö, Vardö and Tromsö.
	Switzerland.
Consul at Vevey and Geneva.	
	Turkey in Asia.
Consul-General at Aleppo.	**Consulates** at Lemnos and Clarimond. **Vice-Consulates** at Adana and Tarsus.
Consul-General at Bagdad.	Aydine (Syria), Brussa, the Dardanelles, Candia, Kerasond, Mitylene, Rethimo, Rizah, Rhodes.
Consul at Bassorah	Hamah, Tripoli (Syria). **Consular Agencies** at Kalafat and Latakia, Ayvali and Kaïfa.
Consul-General at Beirût.	
Vice-Consul at Van.	
Consul at Damascus.	
Consul at Jeddah.	
Consul at Jerusalem.	

State Consuls.	Their Districts.
Turkey in Asia—*continued.*	
Consul at Canea.	
Vice-Consul at Konieh.	
Vice-Consul at Samsoun.	
Vice-Consul at Sinope.	
Consul at Smyrna.	
Consul at Trebizond.	
Consul-General at Erzerum.	
Consul at Harput.	
Consul at Jaffa.	
Consul at Biltis.	
Vice-Consul at Bayazid.	
Turkey in Europe.	
Consul-General at Constantinople.	**Vice-Consulates** at Dede-Agach, Rodosto, Chios. **Consular Angencies** at Gallipoli and Cavalla.
Vice-Consul at Adrianople.	
Consul at Bitoli.	
Consul at Prisrend.	
Consul-General at Salonika.	
Vice-Consul at Scutari.	
Consul at Uskuib.	
Consul at Janina.	
Consul at Mitrowitzi.	
Uruguay.	
Mission at Montevideo.	A Consulate.
The United States of North America.	
Consul-General at New York.	The States of the Atlantic coast and the Gulf of Mexico; Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, West

State Consuls.	Their Districts.
The United States of North America—*continued.*	
Consul-General at New York—*cont.*	Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas. **Vice-Consulates** at Baltimore, Mobile (Alabama) Boston, Galveston (Texas), Sabine Pass (Texas), New Orleans (Louisiana), Pensacola (Florida), Savannah (Georgia), Philadelphia (Pennsylvania), and Charleston (South Carolina).
Consul at San Francisco.	Rocky Mountain and Pacific States: Washington, Oregon, California, Idaho, Nevada, Utah, Montana, Wyoming, Colorado and the territories of Arizona, New Mexico, Alaska and the Sandwich Islands. **Vice-Consulate** at Portland; **Acting Vice-Consul** at Honolulu (Sandwich Islands).
Consul at Chicago.	Central States: Michigan, Ohio, Kentucky, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, the territory of Oklahama and the Indian reservations.
Philippine Islands.	An Elective Vice-Consulate at Manila.
Havana (Cuba).	An Elective Vice-Consulate.
Cardenas (Cuba).	An Elective Vice-Consulate.
Weimar.	
Mission at Weimar.	The Grand Duchy of Saxe-Weimar.
Würtemberg.	
Mission at Stuttgart.	The Kingdom of Würtemberg and the Hohenzollern Territory.

PART II.

Supervision of Commerce and Shipping.

CHAPTER I.—Commercial Relations of Russia with Foreign Countries.

§ 41. History of Russia's Commercial Relations.

The commercial relations of Russia with foreign countries date from a very early period. In the ninth and tenth centuries the town of Novgorod-on-Ilmen had already very extensive commercial relations with Western Europe and belonged to the commercial association of the period known as the "Hanseatic League." Later on, through the invasion of the Tartars, Russia suffered very much in this as indeed in almost every direction. In Novgorod alone, as the Tartars did not penetrate so far, social and political life in general remained less affected than in the centre of Russia. There was still trade with Western Europe, but it decreased, so that for some time the commercial relations of Russia with foreign countries were on a very small scale, and it was not until the sixteenth century that they revived.

The first country to enter into such relations with Russia was Great Britain. In 1553 a British boat under the command of a Captain Chancellor arrived at the mouth of the River North Dwina, where, later on, the town of Archangel was founded. As Captain Chancellor learned from the inhabitants that the country round about belonged to the State then called Moscovia, he sent a messenger to the Czar Ivan IV., the Terrible, with letters patent from King Edward VI. In these letters the King proposed to establish peaceful commercial relations with all countries that the expedition might visit. Czar Ivan, in answer to this friendly invitation, willingly gave to Great Britain the right to import into Russia all kinds of goods, free of duty.

On its becoming known that Moscovia had opened its doors to international trade, other countries tried also to enter into relations with Russia. The British, however, gained the greatest advantages, as they were the first to receive these privileges, and for about one hundred years they maintained this position against all competitors. These privileges continued to be granted to Britain by the succeeding Czars, as, for instance, by Boris Godoonof and Michail Feodorovich.

It was not until the end of the seventeenth century that all foreign merchants were put on the same footing, certain very low custom duties being imposed. During this century maritime trade

also improved. In 1558 the port of Narva on the Baltic Sea was conquered, and in 1584 the town of Archangel was founded.

There was a much larger increase of trade, however, in the reign of Peter the Great, who won for Russia three other large ports on the Baltic: Riga, Reval, and Wibourg, and in 1703 St. Petersburg was founded. Peter the Great also joined this city with the Volga basin by a system of canals, and thus enabled the enormous agricultural produce of that fertile and rich district to be brought to the Baltic.

The Empress Catherine II. also gave attention to the development of Russian foreign trade. This export trade was of great importance to Russia, because at that time Western Europe was in urgent want of all kinds of agricultural produce. The benefit of this to Russia grew yearly. An import trade in all kinds of manufactured articles also arose, as home industry in Russia was, up to this time, not only undeveloped, but almost non-existent.

As the industrial life of the country thus began to develop the necessity of protecting the young growing national industry was fully recognised by tariffs of a protective character.

In 1819 there was issued the first Russian Customs Tariff, which was, in form, protectionist from the beginning. This Tariff established low customs duties and did not in any way lessen the import of foreign goods, which, in its turn, had a bad influence on the creation of independent national industries. In consequence, a system of very severe protection was introduced in 1822, partly by greatly raising the duties, and partly by prohibiting altogether the importation of certain goods, viz.: refined sugar, tea, cotton fabrics, flax, copper articles, &c. This protective tariff continued in force for twenty years, undergoing some substantial modifications.

In 1841 a fresh tariff was instituted of a more elaborate character. In 1845 the rigid protection of the home industries began to give way and in 1850 a new Tariff was established, the chief feature of which was the lessening of the duties. In 1857 another tariff lessened the duties still more. This process of reducing duties continued till 1868, when a tariff was introduced which imposed not only very low duties, but allowed the free importation of a great number of articles. This did not fail to have a bad influence on home industries, and in 1871, that is three years after the tariff was introduced, the balance of Russian exports and imports was to the disadvantage of the country. For this reason in 1878 it was considered necessary to protect Russian industries, which were of comparatively recent creation and could not in any way compete by themselves with the industries of Western Europe, which had existed for centuries. In 1877 the duties were raised by 50 per cent.; in 1881 they were again raised 10 per cent., except the duty on salt; in 1882 many articles that

had hitherto been imported free of duty were taxed. In 1885 there was a further rise of 20 per cent., and in 1887 the duty on cast-iron and metals was much increased. In 1890 the duties were raised again by 20 per cent.

The alterations that had been introduced from 1877 to 1890 necessitated a revision so as to make a tariff that could be easily worked, and thus the tariff which is now in force was confirmed by the Czar Alexander III. in 1891.

In 1903 a New General Customs Tariff for the European frontier of Russia was confirmed by His Majesty, but has not yet been put in operation, and no date has been fixed for it to come into force. This tariff has been prepared by the Russian Government in view of the approaching termination of commercial treaties at present existing between Russia and other Powers, and the duties contained therein are liable to modification as the result of negotiations for fresh commercial treaties.

The existing Russian tariff, which deals with goods coming from Western Europe and America, is very elaborate, there being over 800 articles on which duty is levied. It is contained in the sixth volume of the Russian Svod Zakonov and is divided into two parts, the general tariff applicable to countries with which Russia has no special commercial treaty, and the so-called conventional tariff, under which the duties are lower, which is applicable to countries with which Russia has a commercial treaty. The Conventional Tariff has been in force since the year 1893. Although Russia had concluded commercial and navigation treaties with many European countries before that year, for instance in the year 1859 with Great Britain, the only clauses in these treaties were general stipulations as to the rights of the subjects of the contracting Powers to trade and engage in commerce in the respective countries, the right of free sea traffic, and the right of the most favoured nation.

In the decade between 1885 and 1895 some European and American countries began to introduce special increased duties to protect their own industries, thus affecting the interests of the countries that had previously been exporting those special articles. As long as these increased duties only touched manufactured goods, the increases were not of great importance to Russia, because of the still small amount of such goods produced by her. Later, however, a number of countries introduced high duties for the protection of agriculture and this seriously affected Russia, since her chief export trade consisted of agricultural produce. Russia had therefore to conclude special customs tariff agreements, by which the duties were decreased. The first of these agreements was in 1893, when a special convention was concluded between Russia and France, by which the duty on 52 different articles of commerce imported from France was reduced from 10 to 25 per cent., and in exchange France consented to reduce the duty on raw naphtha and its products. In 1894 a treaty was made between Russia and

Germany, by which the duty was lessened on 135 articles imported from Germany and in exchange certain reductions were made in favour of Russia. Similar treaties were concluded with many other States. The following table shows the dates of the various commercial treaties entered into between Russia and other countries:—

§ 42. Commercial Conventions concluded by Russia.

Countries.	Dates of conclusion of the Treaties.	Dates of expiration of the Treaties.
Persia	February 10, 1828	Without Term.
U.S. of North America	December 14, 1832	One year after revocation.
Sweden and Norway	May 8, 1838	"
Holland	September 13, 1846	"
Greece	June 24, 1850	"
Belgium	June 9, 1858	"
Great Britain	January 12, 1859	"
Austria-Hungary	September 14, 1860	"
Turkey	February 3, 1862	"
Italy	September 28, 1863	"
Switzerland	December 26, 1872	"
France	April 1, 1874	"
Peru	May 16, 1874	"
China	August 4, 1881	Without Term.
Corea	June 25, 1884	"
France (suppl. conv.)	June 17, 1893	One year after revocation.
Servia	October 15, 1893	"
Germany	February, 10, 1894	Dec. 31, 1903.
Austria-Hungary (suppl. conv.)	May 18, 1894	"
Spain (provis. modus vivendi).	February 7, 1895	One year after revocation.
Denmark	March 2, 1895	"
Japan	May 7, 1895	July, 17, 1911.
Portugal	July 9, 1895	April 21, 1901.
Bulgaria	July 14, 1897	Dec. 31, 1903.

Thus the commercial policy of Russia is one of national protection with the object of making Russia an economic entity ready to secure the greatest obtainable facilities for the exports of its products by means of a system of foreign mutual customs agreements.

CHAPTER II.—Supervision of Commerce and Shipping.

§ 43. Supervision of Commerce and Shipping.

It must be the Consul's aim to consolidate, facilitate and extend the commercial relations of the country whose agent he is, with those of that in which he resides. To this end he must submit to the Ministry of Foreign Affairs and the Ministry of Finance all comments and proposals in relation to commerce and shipping which experience or observation suggest to him during the exercise of his Consular functions.[1]

It is the duty of the Consul to take note of all Russian vessels entering or leaving the ports of his district, and to watch over Russian shipping and commerce.[2] It must be his particular care to maintain good order amongst Russian seamen, to protect and defend Russian subjects in their person and property, and, when necessary, to assist them with advice. He should above all see that the rights guaranteed by existing treaties to the Russian flag and to Russian commerce are not infringed.[3] In fulfilling these various obligations the Consul will, if the circumstances require it, draw up official reports, make verbal or written representations to the local authorities or address formal demands to them. Should these representations or demands remain unnoticed, or be unsuccessful, he must at once report to the Imperial Legation to which he is subordinate. Elective Consular Officers report to the State Consul of the district.

The Consul must take care that the Russian flag is only exhibited in conformity with existing laws and regulations. In exceptional cases his superior authority will give him special instructions.[3]

It is, moreover, the duty of the Consular Officer to see that the honour of the Russian name is kept unblemished. To this end he must do all in his power to ensure that no merchant, being a Russian subject, nor the captain of any Russian vessel, fails to fulfil his engagements, imposes on his correspondents, or is guilty of any other dishonourable action. Any person who, ignoring the just admonition of a Consular Officer, shall be guilty of a dishonest action, must be reported by him to the Embassy or Legation in the country in which he resides, to the Ministry of Foreign Affairs, the Ministry of Finance, and to the Central Board of Commercial Shipping and Ports.[4] Elective Consular Officers report to their respective superior State Officers. If a Consular Officer discovers that articles are being either imported or exported at a port in his district in violation of the Russian Customs Regulations, he must immediately communicate the fact to the Ministry of Finance.[5]

[1] Cons. Reg., Art. 89. [2] Cons. Reg., Art. 47.
[3] Cons. Reg., Art. 48. [4] Cons. Reg., Art. 90.
[5] Cons. Reg., Art. 91.

CHAPTER III.—Annual Reports on Commerce, Industry and Shipping.

§ 44. Annual Reports on Commerce, Industry and Shipping.

The Institution of Russian Consular Officers, besides having for its object the protection of Russian subjects abroad, is intended to keep the Russian Government fully informed of all that may be helpful to the interests of Russia and especially to her commerce. Russian Consuls must, therefore, carefully study the economic resources of the country in which they live, the local products, the articles of import and export, and especially those branches of industry and commerce which afford possibilities of business relations with Russia. The knowledge of local conditions which they will gather from such study will enable them to make detailed reports as to the country of their residence and to suggest means for extending the commercial and industrial operations of Russia. These proposals will only be useful if they are based on actual facts and not merely on statements gathered from official sources published with scientific or retrospective objects.

At the close of each year, the Consul is required to submit to the Ministry of Foreign Affairs a general review of the state of trade, industry and shipping throughout the whole of his district. This report must contain information about all that concerns Russian commerce and shipping. The Consul must also report upon the progress of trade and shipping at the port where he resides and in the other ports of his district,[1] and upon the customs tariffs in force in that district, with a list of the duties charged on Russian produce. He should mention the industries that flourish most in his district and the class of goods that are stocked in the place, and should specify those branches of trade in which Russian products play the most important part and those in which they have to compete with the products of other countries. He should also mention the prospects for Russian trade and shipping in the next year, stating the reasons upon which his opinion is based. In agricultural countries, the Consul must report annually upon the results of the harvest, the progress of agricultural industry, the fluctuations in the prices of agricultural products, &c.[2] His annual report should also contain particulars as to raw and manufactured goods, for which an outlet exists—either as articles of consumption or as transit goods—in his Consular district, and the branches of Russian trade which, in that district, are susceptible of greater development, with an indication of the means which, he considers, would be best adapted to ensure such development. It is further recommended that the report should mention the local market prices of Russian goods, as compared with those ruling at the places of their production and export; the rates of freight on such

[1] Cons. Reg., Art. 93. [2] Cons. Reg., Art. 94.

goods, under the Russian and foreign flags, and descriptions of the class of goods required by the buyers, *e.g.*, whether, in the case of wool, the preference is for fine or coarse qualities. As regards manufactured goods, the taste and fashions of the country should be indicated. Periodical or spontaneous fluctuations in the prices of goods and in the cost of their conveyance by land or water, and the cause of such fluctuations, should also be reported, especially with regard to goods which compete with Russian articles of export.

The following tables are recommended for use in drawing up the Annual Report on Trade and Shipping :—

Chief articles of import at the port of .

Names of Countries.	Description of Goods.	Quantity.	Value.
Russia - - -			
Germany, &c. - -			
Total - -			

Chief articles of export at the port of .

Names of Countries.	Description of Goods.	Quantity.	Value.
Russia - - -			
Germany, &c. - -			
Total - -			

Imports from Russia and Finland in Russian vessels at in the year .

Timber.	Flax.	Grain.	Eggs.	Butter.	General Cargo.	&c.

Exports to Russia and Finland in Russian vessels at in the year .

Coals and Coke.	Bricks.	Machinery.	General Cargo.	&c., &c., &c.

Sailings of Russian vessels in the year from .

—	With Cargo.	In Ballast.
Russia - - - - - -		
Finland - - - - - -		
United Kingdom, &c. - - -		
Total - - - -		

Arrivals of Russian vessels in the year at .

—	With Cargo.	In Ballast.
Russia - - - - - -		
Finland - - - - -		
United Kingdom, &c. - - -		
Total - - - -		

Every Russian Elective Consular Official is bound to send in at the commencement of each year, to the State Consul of his district, an account of the Consular fees received by him during the preceding year, filling up the following form :—

—	Number of Ships.	Roubles.	Copecks.
Ship and tonnage duties (§ 24) - - -			
Certificates of loading for foreign vessels or legalisation of same (§ 25).			
Bills of Health given to foreign vessels, or legalisation of same (§ 27).			
Other Consular fees not mentioned above -			

CHAPTER IV.—SPECIAL REPORTS ON VARIOUS MATTERS.

§ 45. **Special Reports.**

IN addition to the Annual Report, Consular Officers are required to send in special reports on various matters likely to interest the Russian Government. They must inform the Ministry of Finance, without delay, of every alteration that is made, from time to time, in the Customs Tariffs of the countries in which they reside. They must also send copies of all treaties and decrees already in force, or in course of publication, relating to commerce and shipping.[1] Consuls must inform the Hydrographical Department of the

[1] Cons. Reg., Art. 93.

Ministry of Marine of the erection, abolition or removal of light-houses, signals, buoys and beacons, and of all important changes which take place in the banks or channels at the ports and in the roadsteads of their Consular districts.[1] Consular Officers who are in a position to supply the information, are invited by the Ministry of Finance to communicate information periodically as to the prices of commodities and the current rate of exchange at the places of their residence. They are also invited to add their comments on the causes of the variation and fluctuation in such prices and rate of exchange.[2] A Consul should not treat of several subjects in the same report, but should endeavour, as far as possible, to make each matter with which he may have to deal the subject of a separate report.[3] He should inform the Ministry of Foreign Affairs and also the Ministry of Finance of all shipping and commercial cases which have required his intervention.[4]

Elective Consular Officers report to the State Consul to whom they are subordinate.

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[1] Cons. Reg., Art. 95.
[2] Cons Reg., Art. 92.
[3] Cons. Reg., Art. 14.
[4] Cons. Reg. Art. 47.

PART III.

Sanitary Matters.

CHAPTER I.—Reports on Epidemics.

§ 46. Reports on Epidemics.

Whenever symptoms of contagious or infectious diseases, either among people or cattle, are observed in any place within their Consular district, State Consular officers are required to immediately notify the full facts of the case to the Ministry of Foreign Affairs, the Central Board of Mercantile Shipping and of Ports, and the Ministry of Finance. The information should be telegraphed. If there is no telegraph office at the place of the Consular residence, steps must be taken to have the message sent from the nearest telegraph office.[1] In notifying the authorities in Russia of the outbreak of an epidemic, it is at all times desirable that such notification should be made before the official announcement of the epidemic. To do this, the Consular Officer is recommended to avail himself of trustworthy private information.

Elective Consular Officers are required to make their reports to the State Consuls to whom they are subordinate.

So long as the epidemic lasts, the Consul will send a weekly report upon the same, stating whether any Russian ship has visited the infected places and communicated with the inhabitants, whether she has had any cases of illness on board, the time of her departure, her destination, &c., &c. As soon as the epidemic has ceased, the Consul must notify the fact to the Ministry for Foreign Affairs, the Ministry of the Interior, the Central Board of Mercantile Shipping and of Ports, and the Ministry of Finance, and also to the superior frontier authorities.[2]

On hearing that a Russian ship calling at a port in his district is about to proceed to a place, entrance to which may be accompanied with considerable danger owing to the state of the public health, the Consular Officer must acquaint the Captain of the vessel with the facts of the case and at the same time advise him as to whether there is any other port in the same country at which he may touch with safety.[3]

Special regulations are to be observed in case of plague. Information of the outbreak and development of the epidemic and of all sanitary measures which are taken against it must be communicated by telegraph to the Medical Department of the Russian Ministry of the Interior. On the cessation of the epidemic, after the lapse of ten days from the death or recovery of the last

§ 46. [1] Cons. Reg., Art. 96. [2] Cons. Reg., Art. 97. [3] Cons. Reg., Art. 98.

patient, the same Department must be advised of the fact by telegram, mention being made, at the same time, of whatever sanitary precautions have been adopted by the local authorities.[1] A copy of each of these telegrams must be sent by post to the First Department of the Russian Ministry of Foreign Affairs, mentioning that the same information has been forwarded to the Medical Department. All other information of a less urgent character must be sent by letter and addressed to the First Department of the Russian Ministry of Foreign Affairs only, where all matters dealing with the plague are dealt with. Information regarding the plague, such as circulars, bulletins, reports, newspaper cuttings, and so on, must be forwarded to the said Department in duplicate, except when, from the voluminous character of the communication, it would be inconvenient to do so.[2]

§ 47. Quarantine

According to the Code of Medical Regulations, in case of the outbreak of plague, yellow fever, Asiatic cholera, &c., the country where such an outbreak occurs is declared to be in an insanitary condition, and all vessels, without exception, arriving from ports of that country, are subject to the rules of quarantine. In the case of other diseases, such as typhoid, small-pox, &c., such measures are only applied to the vessel immediately concerned, while the country from which the vessel has come is not declared to be insanitary.[3]

In order to enable the Finnish Senate to take the necessary precautions to prevent the introduction into Finland of infectious diseases of animals, Russian Consuls are required, to inform, not only the respective Ministries, but also the Finnish Senate, of all outbreaks of such diseases in their Consular districts.[4]

Consular Officers residing in Central or Western Europe must, on the appearance of epidemics in their Consular districts, report the same not only to the ministries of Foreign Affairs and of Finance and to the Home Ministry, but also to the Governor-General of Warsaw and the Governors of the Province of Courland, of the South-West Province and of Bessarabia.[5]

§ 48. Quarantine districts of Odessa, Kertch, and Theodosia.

Consular Officers residing within the **Ottoman Empire**, in **Persia** and in **India** are required to report cases of epidemics within their Consular districts to the three Ministries mentioned above and also to the Russian delegate at the Sanitary Council at Constantinople,[6]

[1] Circular of the I. Department of the Russian Ministry of Foreign Affairs of the 18th June 1901, No. 2,569.

[2] Circular of the I. Department of the Russian Ministry of Foreign Affairs of 26th May 1901, No. 2,491.

[3] Code of Medical Regulations, Art. 935.

[4] Circular of the II. Department of the Ministry of Foreign Affairs of 5th November 1877, No. $\frac{9,431}{232}$.

[5] Code of Medical Regulations, Art. 863.

[6] Circular of the II. Department of the Ministry of Foreign Affairs of 5th December 1892, No. $\frac{9,545}{23}$.

and the heads of the quarantine districts of Odessa, Kertch and Theodosia.[1]

According to the decisions of the Commission established by Imperial decrees of 27th December 1899 and 12th March 1902 for the prevention of infection with plague and the measures to be taken against its propagation, all vessels coming from foreign ports which are infected with cholera or plague, and arriving at one of the Russian ports of the Black Sea, are subject before being admitted into such ports to a term of quarantine at Theodosia. Vessels from ports which are not infected with cholera or plague are admitted for disinfection at the quarantine at Odessa.[2]

CHAPTER II.—MEASURES FOR THE PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES IN THE BALTIC PORTS.

§ 49. Quarantine Station at Kensö.

THE protection of the shores of the Baltic Sea from plague and yellow fever is entrusted to the Swedish quarantine station at Kensö (in the Cattegat). The arrangement is, that with regard to vessels destined for Russian ports, their cargoes, crews, &c., &c., the Kensö quarantine authorities shall observe the same rules as are prescribed by Swedish quarantine law for vessels proceeding to Swedish ports.[3]

All vessels proceeding to Russian Baltic ports or to ports in Finland, if coming from Morocco, Tunis, Algiers, Egypt or any other foreign country situated on the shores of the Mediterranean or Black Seas, are required to produce a Bill of Health granted at the port of sailing and attested by a Russian Consul, or agent, or, in the absence of such, by a Swedish Consul or, if there is no Swedish Consul, by the Consular officer of some other State, as may be decided by the Ministry of Foreign Affairs.[5]

In the event of the same vessel calling at any other port or ports in one of the countries mentioned above, the Russian Consular

[1] Circular of the II. Department of the Ministry of Foreign Affairs of 9th March 1877, No. $\frac{9184}{386}$.

[2] Letter of the Russian Ministry of the Interior of 21st April 1904, No. 621, to the Russian Embassy in London.

[3] Circular of the II. Department of the Ministry of Foreign Affairs of 1st May 1865, No. $\frac{3010}{160}$.

[4] Code of Medical Reg., Art. 1217.

[5] *Ibid.*, Art. 1218: Imp. Decree of 14th November 1871, with regard to rules of quarantine as applied to Finland; circular of the Ministry of Foreign Affairs of Nov. 23rd, No. $\frac{8947}{168}$, *note*.

Officer or agent, or other authorised person, must endorse the Bill of Health, with a declaration as to the sanitary condition of the port.[1]

§ 50. Sanitary Protection of Baltic Ports and Finland.

In times of complete freedom from plague, when the fact of such freedom is announced in the publications of the Swedish Government, all vessels, from whatever country they may come—with the exception of Morocco, Tunis, Algiers, Egypt and other countries in the Mediterranean or Black Seas that are under Turkish rule—are at liberty, if the same permission is accorded to vessels proceeding to ports in Sweden, to proceed directly to Russian ports in the Baltic, or to ports in Finland, where they are admitted without detention. Vessels arriving from the countries specially excepted above, or such as may have called at the ports of such countries while on the voyage, are not permitted to enter Russian Baltic ports or to moor in Finnish waters unless they produce the Bill of Health described above or observe the quarantine formalities at Kensö, as prescribed by Swedish law for vessels proceeding to Swedish ports. In the latter case they must produce a certificate from the quarantine authorities as to their satisfactory sanitary condition.[2]

In times of plague, or when there is a suspicion of the existence of plague, and when, by the publications of the Swedish Government, certain localities are declared to be infected or doubtful, all vessels proceeding from such localities or ports are required to enter the Swedish quarantine station at Kensö (Cattegat), to undergo the examination prescribed by the quarantine regulations, and obtain a clean certificate of health from the quarantine authorities, without which they will not be permitted to enter a Russian port.[3]

Consuls are invited to inform the captains of vessels proceeding to Russian Baltic ports that they can obtain information from all Russian Consular Officers at seaports situated on the shores of the German Ocean and the English Channel, *i.e.*, London and the ports on the south-east coast of Great Britian and the French, Dutch, German, and Danish ports, as to all publications of the Swedish Government relating to places which that Government has declared to be infected with the plague or to be doubtful.[4]

Vessels sailing in times when plague is either known or suspected to exist, from ports which the Swedish Government has pronounced absolutely free from infection, are permitted, when provided with clean Bills of Health, to proceed direct to their port of destination in the Baltic, without calling at Kensö. They are, however, liable to an enquiry, as to whether they have communicated with any vessel while on the voyage from the port where their Bill of Health was attested, to their port of destination. If,

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[1] Code of Med. Reg., Art. 1219.
[2] Code of Med. Reg., Art. 1220.
[3] *Ibid.*, Art. 1221.
[4] Circular of the Ministry of Foreign Affairs of the 1st May, 1865, No. $\frac{3010}{160}$.

on enquiry, it appear that the vessel has had no such communication on the voyage, she is permitted to enter the port without delay. In the opposite case the vessel may be prohibited from communicating with the shore for a longer or shorter period at the discretion of the port authorities, or, in case of grave suspicion, she may be ordered to proceed to Kensö and there be placed in quarantine, through the Russian Consular Officer or Commercial Agent. The enquiry described above is instituted by the Head Customs Officer at the time when he receives the passports and other ship's papers.[1]

Consuls and Agents are required, further, to take especial precautions that no vessel should be provided with more than one Bill of Health. If the document is old or damaged, or if it is covered with writing to an inconvenient extent, it should be taken from the captain and a new one made out, stating briefly the port of original sailing of the vessel and the substance of any remarks or endorsements made subsequently.[2]

According to the quarantine regulations of Kensö, the Consular Officer at the port of sailing must state, in a prominent part of the Bill of Health, whether there have been recent cases of plague or of yellow fever in the locality, or of other diseases which, under the quarantine regulations, determine whether the port of sailing of a vessel may be regarded as satisfactory from a sanitary point of view, or the reverse, and which regulate the granting of clean or unclean Bills of Health. At the same time and in view of the fact that the quarantine station at Kensö has only undertaken to protect the Russian Baltic ports from infection with plague or yellow fever, the Consular Officer is required to mention in a less prominent part of the Bill of Health, such as a footnote, any cases of other infectious diseases, such as cholera, typhoid fever, small-pox and the like, as have recently occurred, in order to enable the sanitary authorities at the port of the vessel's destination in Russia to take the requisite measures for the prevention of the spread of such diseases.[3]

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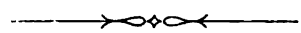
[1] Code of Med. Reg., Art. 1222.

[2] *Ibid.*, Art. 1223.

[3] Circular of the II. Department of the Ministry of Foreign Affairs of 1st May, 1865. No. $\frac{3010}{160}$.



§ 50.

CHAPTER III.—BILLS OF HEALTH.

§ 51. **Bills of Health.**

SHIPS of foreign nationality, arriving at ports in the Russian Empire, are required to produce Bills of Health attested at the port of sailing by Russian Consular Officers. Such Bills of Health are not obligatory from ports of call.[1]

Consular Officers are permitted to grant Bills of Health, or to attest such Bills granted by local authorities. In the former case the following form must be used.[2]

COUNTERFOIL.
No.
Name of vessel
Class of vessel
Flag
Tonnage
Cargo
Captain
Sailing master
Ship's doctor
Number of crew
Number of passengers
Number of sick persons on board
(Particulars of the sanitary condition of the vessel and the locality.) Free from (plague, yellow fever and Asiatic cholera.)
(date)
Consul:

IMPERIAL RUSSIAN CONSULATE.

Imperial Arms of the Imperial Russian Consulate.
No.
at . . . . . .

The Imperial Consulate certifies herewith, that the ship . . . . . class, flying the . . . . . flag of . . . . . tons nett register, commanded by Captain . . . . . sailed from this port with a cargo of . . . . . having on board . . . . persons of her crew and . . . . passengers. Of these . . . . . are ill. The rest of the crew and passengers are . . . . The state of public health at the port and in its neighbourhood is . . . . . .

In witness whereof, the present Bill of Health has been granted and duly sealed and signed.

(Date)
(Seal)

Consul.

In consular practice the question often arises as to whether Bills of Health are obligatory for all vessels sailing from abroad to Russian ports. An official letter from the Section for Commercial Shipping, of the Central Board of Commercial Shipping and Ports, dated the 23rd June 1904, No. 2499, to the Consulate at Newcastle-upon-Tyne, contained the following explanations on this head:

"According to Art. 863, note 3, and § 16 of the annex to that "article, Bills of Health are obligatory for all vessels arriving at "ports in the Black and Caspian Seas, from whatever ports they "may have come.

[1] Decree of the Committee of Ministers, No. 10,664, confirmed by His Imperial Majesty on the 27th May 1894; Circular of the Ministry of Foreign Affairs of July 4th, 1894, No. 5279

[2] Circular of the Ministry of Foreign Affairs of the 6th November, 1892, No. $\frac{8448}{160}$.

"In the Baltic Sea, the production of Bills of Health is only "obligatory for ships arriving from Egypt or other Turkish "provinces of the Mediterranean or Black Sea.[1] Ships arriving "from countries which are absolutely free from plague or epidemic "disease, and which are acknowledged as being so by the Swedish "Government, are at liberty, if the Swedish Government extends "the same right to ships bound from the same countries for Swedish "ports, to proceed to the Baltic ports of the Russian Empire, and "are there admitted without detention.[2] Vessels arriving at "Russian Baltic ports are, therefore, not obliged to produce Bills "of Health, if they come from ports which are known to be free "from epidemic disease."[3]

For the White Sea, Bills of Health are obligatory for all ships, whatever ports they may have come from.[4]

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[1] Code of Medical Regulations, Art. 1218. [2] *Ibid.*, Art. 1220.

[3] This explanation seems to be in contradiction to the Circular of the II. Department of the Ministry of Foreign Affairs of 1st May 1865, No. $\frac{3010}{160}$, quoted in the preceding § 50 of this Guide.

[4] Letter of the II. Department of the Ministry of Foreign Affairs of the 28th August, 1903, No. 9890.

PART IV.

Documents.

CHAPTER I.—Certificates of Origin of Goods.

§ 52. Certificates of origin of goods.

Goods imported into Russia from countries which have concluded commercial conventions with the Empire, are subject to the so-called Conventional Customs Tariff, while goods imported from other countries come under the ordinary tariff. Further, in times of tariff-war between Russia and other countries, higher duties are levied on goods originating in those countries. Goods imported from countries which levy a higher import duty on Russian than on any other goods are, in like manner, charged higher customs duties than those imported from other countries. It is, therefore, important to prove the origin of goods paying lower import duties in Russia. According to the Regulations of the Russian Minister of Finance of the 3rd February 1901, relating to the documents necessary to prove the origin of goods exported from States enjoying in Russia the privileges of the most favoured nation clause, such proofs may be :—

(1.) Invoices or original letters from manufacturers, or their representatives, duly legalised by the Russian Consular Officer of the district or by the municipal, county, or police authorities of the place of manufacture; or

(2.) Certificates of origin issued by the Russian Consular Officers, by the local Chamber of Commerce, by the municipal authorities, by the police, or by the local custom house.

From these Regulations it will be observed, that if the documents enumerated have been legalised by the local authorities, it is unnecessary to have them attested by Russian Consular Institutions.

The above papers proving the origin of goods imported into Russia must contain particulars as to the number of packages of goods, their marks and numbers, and their gross and net weights, and a technical and commercial description of the goods.

If the goods enter Russia directly from their country of origin, it is only necessary to produce one of the aforesaid documents at the Customs. If they enter Russia from a country which is not their country of origin, it is necessary to produce the original invoices or letters of the manufacturers of the goods or duly legalised copies of such documents, showing the marks, numbers, gross and net weight, quality and quantity, and trade marks, if any, of each package or bale or parcel of goods.

§ 53. Direct importation of goods.

By the term "direct importation of goods into Russia from the country of their origin," must be understood: (*a*) the importation of goods by sea from a port of the country of origin to a Russian port, without transhipment or unloading in the port of a third country; (*b*) the importation by rail with direct invoices, *i.e.*, by invoices naming the place of dispatch in the country of origin of the goods and the place of their destination in Russia, even though the goods may pass through other countries.

§ 54. Indirect importation of goods.

By the term "indirect importation" of goods into Russia from the countries of their origin, through countries in respect of which increased duties are not levied, is to be understood: (*a*) the importation of goods with transhipment or unloading in a port of one of such countries, in order that they may be forwarded from such port to Russia, either by rail or by sea; (*b*) the importation of goods by rail, not by direct invoices, *i.e.*, by invoices naming as point of dispatch some place in the country through which the goods have to pass in order to enter Russia.[1]

The Consular fees for drawing up, or legalising, certificates of origin of goods loaded by ships, are levied in accordance with Art. 26 of the Consular Tariff; for drawing up certificates of origin of other goods—in accordance with Art. 5, and for legalising such documents in accordance with Art. 9. Certificates of origin of French and Italian goods are drawn up or attested free of charge, there being an agreement as to reciprocity with these countries.

§ 55. Customs duties on Ceylon and Indian teas.

In consequence of the raising of the customs duties on Ceylon and Indian teas imported into Russia by way of her European frontiers, an Imperial order of the 15th August 1903 provides that the origin of teas on which import duties are paid may be proved as follows:—

1. By the production of invoices or letters from the consignors, whose signatures have been attested by local Russian Missions, Consulates, or Consular Agencies, the documents being stamped with their official seals.

2. By the production of certificates of origin issued by the local Russian Missions, Consulates, or Consular Agencies and bearing the official seal.

The aforesaid documents must contain particulars of the number of parcels of the goods, their marks and numbers, and the net and gross weight. If the goods are imported into Russia directly from the country of their origin, it is sufficient to produce one of the aforesaid documents. When the goods enter Russia indirectly from the country of their origin, the invoices or letters mentioned above must be produced either in the original or in duly certified copies. An explanation from the Department of Customs Duties of the 1st November 1903, No. 32,190, states, that in such cases, invoices and letters issued by the proprietors of depôts (in Amsterdam, Hamburg, London, &c.) will be accepted as sufficient.

[1] Circular of the II. Department of the Russian Ministry of Foreign Affairs of the 24th September, 1893, No. $\frac{7392}{334}$.

In the case of teas proceeding from custom house depôts, it is necessary, in addition to the above documents, to produce certificates issued by and stamped with the official seal of such depôts, to the effect that the parcels of goods in question, having been imported from the country of their origin, have not left the custody of the depôt until the moment of their export to Russia.

The aforesaid documents proving the origin or the place of dispatch of the goods, may be produced to the Russian customs officials, either at the time of the import of the goods into Russia together with the B/L, &c., or when making declaration with a view to paying a lower tariff duty, in which case, the place of origin of the goods must be shown in the column reserved for a description of the quality of same.

In order to pay duty on goods on a lower tariff than that originally fixed, either a declaration of the goods must be made, corresponding to the particulars in the invoice, letter, or certificate produced with the declaration, or the corresponding paragraph in the declaration must show which certificate of origin or dispatch applies to the parcels of tea declared in such paragraph. If these conditions are not observed, the declaration is returned to the applicant for alteration, and only when the data have been supplied in full can the payment of duty on a lower tariff be permitted.

CHAPTER II.—VISA OF PASSPORTS.

EVERY foreigner who wishes to enter Russia, whether by sea or by land, must be provided with a passport issued by the competent authorities.

§ 56. Passports issued by Russian authorities to foreigners.

Foreigners permanently residing in Russia, who have received from the authorities in Russia passports for travelling temporarily abroad, may return to Russia on such passports,[1] which passports do not require the Consular visa.

Foreigners from the Transcaucasus, arriving in Russia by way of the Asiatic frontier, must be provided with passports issued by Russian Legations or Consulates.[2] Foreign ministers of religion entering Russia from Turkey must be provided with passports issued by the Russian Ambassador at Constantinople.

§ 57. Visa of passports.

All other foreigners must be provided with national passports issued by the competent authorities of their country and visé by a Russian Legation or State Consulate.[3]

[1] Passport Reg., Art. 215. [2] *Ibid.*, Art. 218.

[3] *Ibid.*, 217. The passport must be issued by the chief officials. Passports issued by subordinate officials and magistrates cannot be visé. Passport Reg., Art. 220.

Passports of foreigners who apply for visa of same to Elective Consular Officers must be sent to the State Consul to whom the Elective Officer is subordinate, accompanied by the fee, the amount of postage and a declaration as to the religion of the applicant.

The bearer of the passport is not required to present the document in person; this can be done either through the post or by messenger. The passport to be visé must be valid, and, if issued for a stated period, that period must not have elapsed. Its contents may not be altered or amended in any way by a Russian Legation or State Consulate, the competency of which is restricted to the visa, by which the bearer obtains the right of crossing the Russian frontier.

The Consular visa is granted to persons other than those of the Jewish faith if they are able to produce documentary evidence that they are not Jews, or if their religion is mentioned in the passport itself. The simple declaration of the applicant may also be accepted if the Consular Officer is in a position to ascertain its correctness. The visa is valid for six months, counting from the day on which the bearer of the passport crosses the Russian frontier, during which period he is at liberty to so cross the frontier repeatedly without a new visa. After six months have elapsed, the passport requires to be visé anew in order to permit the bearer to enter Russia.

In the case of Jews, the visa can only be granted for a period not exceeding three months, counting from the day on which the bearer of the passport crosses the frontier, and provided:

§ 58. Visa of passports of Jews.

1. That the bearer is sole member of, or a partner in, a business firm located in the district of the Consular Officer granting the visa. He is therefore required to produce, together with his passport, which must be in every respect valid, an extract from the local register of trading firms for the current year, in proof of the fact that he is such sole member of, or partner in, a registered local firm; or

2. That he is travelling as the representative of such local firm. In the latter case he is required to produce, in addition to his passport, a power of attorney, in duplicate, given by the firm in his favour, of which one copy remains in the Consular archives and the other must be attested by a Notary Public and afterwards legalised by a Russian State Consul. In addition there must be produced an extract from the local register of trading firms in proof that the person or persons granting the power of attorney is or are actually the sole member of or partners in a registered local firm.

Women of the Jewish faith are subject to the same rules.

The Consular visa on the passports of foreign Jews is worded in Russian as follows: Visé to the bearer (Austrian, German, &c.) subject, the Jew (name and surname) travelling to Russia for a period of . . . months on commercial business as (agent, representative, &c.) of the firm of . . . engaged in trade as (the special trade must be named). The said firm is registered according

to the laws of the land in the district of the Consulate entrusted to me. (Signature of the Consul.)

The majority of Jews proceeding to Russia being commercial travellers, it may be useful to refer to the rules to which they are subject when within the Empire. They are required to provide themselves, from the Customs authorities on the Russian frontier, with certificates as commercial travellers of the first class, paying the legal fee for same. These certificates are valid until the 1/14 January of the following year and are annexed to the traveller's national passport, together with a certificate of identity. These documents must be presented to the Government Board (Kazennaya Palata) or to one of the Tax Inspectors (Podatnye Inspektory) of the place which the traveller visits first, and, when they have been duly approved, he is allowed to begin operations. Such of the traveller's effects as are subject to customs duty and the samples of goods which he carries with him, are free of duty if he re-exports them not later than six months after their importation. In affixing his visa to the passport of a commercial traveller of the Jewish faith, who has previously been in Russia in such capacity, the Russian Consul must mention the number of the aforesaid certificate of identity, and the place where, and the official by whom, it was issued.

§ 59. Commercial travellers.

Jews who desire to have their passports visé, and who are not partners in a registered local trading firm, or who are not being sent out to represent such a firm, can apply by letter, or in urgent cases by telegram (R.P.), to the Department of Police of the Russian Ministry of the Interior, naming the town they wish to visit, stating the proposed duration of their stay and the object of the journey, and requesting the Department to authorise the Russian State Consul at the place named by them to visé their passport.

An exception to the above rules is made in favour of foreign Jews who are personally known to the Russian State Consuls as occupying high positions in the commercial world, or as being the representatives of first-class commercial or banking firms, such as Rothschild, Bleichrœder, &c. State Consuls must report to the Department of Police of the Russian Ministry of the Interior upon every case of a visa granted to a foreign Jew without the previous authorisation of that Ministry.[1]

Engineers, firemen, and sailors of the Jewish faith forming part of the crews of merchant vessels are also exempt from the restrictions affecting the visa of the passports of Jews, their passports not requiring the Consular visa at all.

Industrial labourers of the Jewish faith, who have been engaged by Jewish firms in Russia, are allowed to cross the Russian frontier and to fix their abode in Russia. The Russian State Consul, in affixing his visa to their passports, must give them a certificate

[1] Passport Reg., Art. 230.

stating their previous occupation and trade, and by whom and for what purpose they have been engaged to go to Russia.

The restrictions as to the visa of passports of foreign Jews do not extend to Karaim Jews of foreign nationality. On the other hand, these restrictions do apply to Jews who, having abandoned the Jewish faith and community, have not joined any other faith.

Foreign Jews who are entitled to reside permanently in Russia, according to Note 1 to Art. 1001 of Vol. IX., 1890 edition, continuation of the Svod Zakonov annually paying the tax of the first guild, obtain the visa in the same manner as persons who are not of the Jewish faith.

60. Foreign ministers of religion.

Foreign priests of the Roman Catholic and Armenian churches who desire to enter Russia, must address a petition to the Russian Minister of the Interior (enclosing two Russian stamps of 60 cops. each), giving their address, the place they propose to visit, the length of their proposed stay in Russia, and the Consul to whom they will present their passport for visa. If permission is granted, the visa is given to them on condition that they promise, in writing, to proceed directly to the place mentioned in their petition and, after the lapse of the time stated, to leave the country at once, without stopping at any places en route.

Armenian priests travelling into Russia from Persia and Turkey for the purpose of collecting contributions for charitable or ecclesiastical purposes, must obtain permission to do so from H.M. the Emperor.[1]

All other foreign ministers of religion must apply for permission to enter the empire to the Holy Synod. The only exception is in the case of priests of the Greek orthodox religion from eparchial districts situated near the Russian frontiers, when they are provided with certificates from their superiors to the effect that they are travelling to Russia with the intention of making a short stay on business connected with their ecclesiastical office, but not for the purpose of collecting money. However, such priests may not be Russian subjects who have embraced the priesthood after leaving Russia; they are not permitted to remain in Russia longer than three months, and are required to give a written promise on entering the Empire that they will not collect money or travel to any other places than those situated on the line of their journey.[2]

§ 61. Priests of the Greek Uniate Church.

Galician clergymen of the Greek Uniate Church who are desirous of proceeding to the Greek Uniate Eparchy of Kholm must apply to the Administrator of the said Eparchy for a certificate in the following terms:—"The bearer of this, a priest of the Galician Greek Uniate Church, is proceeding, with my consent and permission, to the Eparchy of Kholm, as I hereby certify by my signature and the seal of the Consistory of the Eparchy of Kholm." On

[1] Passport Reg., Art. 229. [2] *Ibid.*, Art. 227.

producing this certificate, clergymen of the Greek Uniate Church can obtain the visa of their passports.

The visa is refused:—

§ 62. Refusal of visa.

1. To all persons who are forbidden to enter Russian territory.

2. To all persons who are regarded by Russian Legations or State Consulates as being of bad character.

3. To gipsies, organ-grinders, travelling dealers in chemical products, peddlers in figures of plaster of Paris, vagrants, and to persons whose passports distinctly state that the object of their journey is to engage in practice as physicians or veterinary surgeons.

4. To Jesuits. Jesuits who have been expelled from Russia may not obtain the visa even if they produce a certificate to the effect that they have since left the order.[1]

The visa can be obtained from any Russian Legation or State Consulate, on any valid passport issued by the competent authority of any nationality whatever.

Persons who have in a lawful manner ceased to be Russian subjects and have left the Empire, can only obtain the visa of their passports after the expiration of five years from the day they leave Russia.[2]

It is essential that passengers on board ships proceeding to Russia should be provided with national passports duly visé by a Russian Consul. Members of the crew are admitted into the country on the strength of the ship's crew-list. It sometimes happens, however, that ordinary travellers who are not seamen are entered on the crew-list, and thus attempt to enter the country on the pretence of being seamen. Consular Officers must endeavour, as far as possible, to prevent this form of abuse of the passport regulations. On the other hand, supercargoes are permitted to enter Russia without passports, provided that their names are inserted in the crew-lists by a Russian State or Elective Consular Officer.[3]

§ 63. No visa necessary of passports of raftsmen.

§ 64. Austria and Prussia Treaty as to passports.

Men employed on boats, ships, and rafts, and coming to Russia by way of the Vistula and Dniester rivers from Galicia, and of the Nieman and Vistula rivers from Prussia, are admitted on the strength of their papers of identity, which do not require the Consular visa, on the terms of the **Russo-Austrian** Treaty, Vienna, 21st April/3rd May, 1815, Arts. 24 and 28, and of the **Russo-Prussian** treaty of the same date (Art. 28). Raftsmen coming to Russia from **Bukovina**, however, by way of the river Pruth, are required to present their national passports for visa to the Russian State-Consul at Czernowitz.

§ 65. Special passport facilities for persons near Russo-German frontier.

Special passport facilities are accorded to persons residing near the frontier. They enjoy the privilege of crossing the frontier without the visa of Russian Consulates. The **Russo-German** trade

[1] Passport Reg., Art. 219; Circular of the II. Department of the Ministry of Foreign Affairs of 4th April 1866, No. $\frac{2249}{171}$.

[2] Circular of the Russian Ministry of Home Affairs of 18th August 1877, No. 102.

[3] Circular of the II. Department of Foreign Affairs of 2nd March 1851, No. 56.

§§ 62, 63, 64, 65.

conference of the years 1896–1897, paragraph 1, section 5 of the final protocol, provides for special passports free of charge, and valid for eight months (from the 1st April to the 1st December) to agricultural labourers proceeding to Germany, and for papers of identity, which are available for 28 days. These documents do not require the Consular visa.

As the purpose of the visa is to certify the fact that the bearer is to be admitted into the country, only such passports are subject to the visa as serve to enable foreigners to enter Russia.

§ 66. Passports of foreigners in Russia.

On arriving at his destination in Russia, a foreigner is required to produce his passport to the local police. After the expiration of six months from the date of their first crossing the Russian frontier, foreigners residing in Russia must provide themselves with Russian passports (costing 5 roubles and 50 cops.).[1] An exception to this rule is made in the case of agricultural labourers from Galicia and Bukovina, who are permitted to make one unbroken sojourn of one year in the Government of Bessarabia on their national passports, on which the Russian Consul, when giving the visa, makes a note to the effect that the bearer is an agricultural labourer travelling in Russia in search of work.

The Russian frontier authorities make a note on the passport of every foreigner entering the Empire, stating the time during which he may remain in Russia before he is obliged to provide himself with a Russian passport for foreigners,[2] which is issued for a period of one year. After this time has elapsed, the foreigner must request that a new passport be granted to him.[3]

On leaving Russia, foreigners are required to obtain from the local police, at a charge of 60 copecks for stamp duties, &c., a permit to do so, declaring that there are no obstacles to their leaving the Empire. The Russian foreign passport belonging to a foreigner who is about to leave the country must be exchanged for a special travelling passport, to be produced and given up to the authorities at the Russian frontier. Any one neglecting to provide himself with the Russian passport for foreigners after the expiration of six months' residence in the Empire is liable to a fine not exceeding 10 roubles, according to the length of time he has been without it.

§ 67. Visa of Russian passports.

Russian subjects abroad may have their passports visé by a Russian State Consul if they specially desire it. Consular Officers should, however, make it clear to the applicants that such visa is altogether unnecessary, so far as the Russian authorities are concerned, and that the practical object of the visa of a Russian passport by a Russian Consular officer is to authenticate the document in those cases, for instance, where local foreign authorities, or private persons, decline to recognise the validity of a passport under the pretext of uncertainty as to its authenticity.

[1] Imperial Ukas of 28th July 1900; Passport Reg., Art. 139.

[2] Circular of the Russian Ministry of Home Affairs of 19th July 1873, No. 105; Passport Reg., Art. 139.

[3] Passport Reg., Art. 137.

CHAPTER III.—PASSPORTS FOR RUSSIAN SUBJECTS.

§ 68. Passports for Russian subjects.

ALL persons proceeding abroad or returning to Russia, are required to be able to produce a valid and authentic passport at the frontier, before they can either enter or leave the Empire.[1]

§ 69. Passports issued by Consuls.

Passports are issued by Russian State-Consular authorities in the following cases only:—

1. When Russian subjects who have been taken prisoners by an enemy are released and desire to return home.[2]

2. When Russian subjects who have been shipwrecked are sent home.[3]

3. When two or more Russian subjects who have left home on a common passport desire to return home at different times. In such cases they must apply to a Russian State Consul, by whom they will be supplied with separate passports. The original common passport is left with the Consul, who returns it to the particular authority in Russia by whom it was issued, while the bearers receive separate passports from him, either for each one, or two, or more, as they desire. The Consular passport issued in this manner has the same validity as the original common one and contains all the particulars mentioned therein, such as the date of issue and the number of the common passport, the date when the bearer crossed the frontier and the amount of passport duties paid. Each passport issued by the Consul must also show that the passport fees which are due thereon are to be paid (Art. 254 of the Passport Regulations) in each individual case, to the frontier authorities on the bearer re-entering Russia.[4] In addition, a Consular fee of three roubles (6s. 5*d.*) and the amount of postage for sending the common passport to Russia under registered cover must be paid on receipt of the document. If more than five years have elapsed from the date of the issue of the common passport it loses its validity and cannot be exchanged for Consular single passports.

In order to escape payment of part of the fees for separate passports, some persons, having left Russia with a common passport, apply to Russian Consuls requesting them to cancel the name of the person requiring a separate passport, to issue such passport to him and to leave the common passport in the hands of the other person or persons to whom it was first issued. As such a proceeding would be opposed to the prescriptions of the passport regulations, the request cannot be complied with—common passports must always be left with the Consul when separate passports are issued.

4. Youths who have finished their time in Russian naval schools and, generally speaking, all Russian sailors and officers of the

[1] Customs Reg., ed. 1892, Art. 881.
[2] *See* "Liberated Prisoners of War."
[3] *See* "Shipwreck and average of Russian vessels."
[4] Passport Reg., ed. 1890, Art. 204.

mercantile navy who have passed their examinations according to Art. 853 of the Russian Trade Regulations, receive passports to go abroad on Russian or foreign trading vessels and can exchange them for new ones at any Russian State Consulate, independently of whether the five years have elapsed or not.[1]

5. Russian subjects who have lost their foreign passports can obtain new ones from the Consuls, who must, in such cases, first ascertain whether a foreign passport really was issued to the person applying for a new one. In order to save time, this is usually done by telegraphing to the authority who issued the passport, stating, approximately, the date of its issue. The telegram is sent, reply paid, at the petitioner's expense. In case of an affirmative answer, the new passport is given, and the Second Department of the Ministry of Foreign Affairs and the Police Department of the Ministry of the Interior are informed by the Consul of the fact. A Consular fee of three roubles must be paid for each new passport. In addition, the ordinary passport duty is paid at the Russian frontier, in accordance with Art. 257 of the Russian Passport Regulations, and this must be shown on the passport by the Consul.

If more than five years have elapsed from the date of issue of the last passport, a new passport cannot be given: the original one being no longer valid, and Consular passports being only issued in place of valid ones. If for some reason it is impossible to ascertain the fact that the applicant has possessed a foreign passport, the Second Department of the Ministry of Foreign Affairs and the Department of Police of the Ministry of the Interior must be requested to furnish the necessary particulars before the passport can be issued by the Consul.

§ 70. Duration of validity of passports.

The period during which Russian subjects are permitted to remain outside the limits of the Empire on the strength of lawful passports is five years.[2] In order to obtain a new passport in place of one which has expired, a petition must be addressed to the Russian authority by whom it was issued, stating the reasons which have necessitated a longer sojourn abroad. Two stamps of the value of 60 copecks each must be affixed to the petition and the amount of arrears of passport duties must be forwarded at the same time. For every half year or part of that time which has elapsed, and for which passport duties have not been paid, and for every half year or part of that time for which the applicant wishes to extend the period of duration of the passport—15 roubles are payable.[3] Natives of Warsaw pay five roubles more for each half year as passport duties.

The period of residence abroad of Russian subjects is extended to six years in the case of young men of the mercantile class who

[1] Passport Reg., Art. 208; Circular of the II. Department of the Ministry of Foreign Affairs of the 28th July 1866, No. 5031.

[2] *Ibid.*, Art. 207.

[3] *Ibid.*, Art. 207.

are over 17 years of age, and whose object is to acquire practical experience in foreign commercial offices.[1] Russian merchants trading in the East are permitted to extend their sojourn to seven years.

Consuls are not at liberty to extend the duration of the validity of passports. Persons travelling on business which fact must be stated explicitly in their passports—can obtain an extension of the time for which the passport is granted from a Russian Legation.

§ 71. Passports of Russian subjects in Turkey.

As to the granting of passports to Russian subjects residing in Turkey in Asia, the following special regulations must be observed:—[2]

1. Russian subjects residing in the provinces of Turkey in Asia which adjoin Russia, and who are either craftsmen or general labourers, may, when their passports expire, be provided with new ones by the Governor in Russia by whom the original passport was issued, if the State Consul is willing to certify that their conduct is irreproachable, and that they are unable to return to Russia. 2. Persons having no passport at all can receive one from the Governors of the Governments to which they belong, on proving that they are really Russian subjects. 3. The passport is sent to the Russian Consul of the district and is handed over to the person designated therein, after payment of all State and Communal taxes.

In cases of petitions for passports, as above, the petitioner may, in order not to be left without a passport altogether, apply to the proper Russian State Consul for a certificate setting forth that the holder was in possession of a passport which has been sent for renewal. It has not the value or authority of a passport and is issued on condition that the old passport, the amount of passport duties due, the petition to the home authorities, and an addressed envelope are handed by the petitioner to the Consul to be sent to Russia. If the petition is granted, the petitioner receives his new passport through the Consul.

When the bearer of a Russian foreign passport remains abroad longer than the period for which he paid passport duties when the document was issued to him in Russia (viz., 15 roubles for every six months), he must pay the arrears when recrossing the Russian frontier on his home journey, as mentioned above, or, if unable to do so, he must enter into a written obligation to do so at his place of residence.

§ 72. Exemption from payment of passport duties.

The following persons are exempt from the payment of passport duties, only paying 50 copecks Chancellery fees and five roubles for every half year for the benefit of the Red Cross Society.[4]

1. Merchants and all other persons who are members of guilds or corporations.

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[1] Passport Reg., Art. 209.
[2] *Ibid.*, Art. 210.
[3] *Ibid.*, Art. 212.
[4] *Ibid.*, Art. 201.

2. Foreigners who, after they have been in Russia six months, receive Russian passports.

3. Landed proprietors, noblemen and State officials travelling abroad on business, if they belong to a guild.

4. The families and servants of citizens, noblemen, employees of the State, merchants and others, if these latter persons belong to a guild.

The following are exempt from the payment of passport duties, paying only 50 copecks Chancellery fees:—[1]

1. Pilgrims going to Jerusalem.

2. Russian subjects possessing estates situated on both sides of the frontier and proceeding abroad for periods not exceeding four months.

3. Persons proceeding abroad by order of the Russian Government at the expense of Academies or Universities for the purpose of improving themselves in the arts and sciences, in order to be nominated to posts as teachers in Russia.

4. Inhabitants of the mountainous districts, on the basis of special rules.

5. Armenians and Mussulmans, either permanently or temporarily residing in Transcaucasia and proceeding to the contiguous regions of Persia and Turkey, and also Mohammedans of all classes belonging to the government of Taurida, and proceeding as pilgrims to Mecca.

6. Children under 10 years of age.

7. The families and servants of Russian State employees permanently residing abroad.

8. The personal servants of Russian State employees travelling abroad but not permanently residing there.

9. Soldiers of the reserve, cossacks and their wives.

10. Wounded officers of the army or navy and other persons travelling abroad for the benefit or their health, their wives, children and necessary servants.[2]

Separate passports are issued by Consular Officers to the persons enumerated above without charge, and the usual passport duties are not payable by them when crossing the frontier.

Passports are issued free of all charge to persons proceeding abroad by order of the Russian Government and on State affairs, to Russian subjects employed abroad as secretaries to Russian diplomatic or consular offices,[3] and to youths and sailors who have undergone courses of training at Russian naval schools and proceed

[1] Passport Reg., Art. 202. [2] *Ibid.*, Art. 201.

[3] Letter of the Department of the Personal and Economic matters of the Ministry of Foreign Affairs to the Russian Consulate at Newcastle-on-Tyne of 17th June 1902, No. 4368.

[4] Passport Reg., Art. 199; Civil Service Reg., Art. 626.

[5] Circular of the II. Department of the Ministry of Foreign Affairs of 6th July 1899, No. $\frac{5992}{389}$.

abroad in Russian or foreign vessels, and to members of the Imperial and the Neva Yacht Clubs.[1]

§ 73. Sailors' passports.

Are permitted to leave the Empire on the strength of their certificates of identity (plakatny passport):—[2]

1. The captains, mates and sailors of Russian ships, whether they leave the country on board their vessels or join them at some foreign port.

2. The crews of ships navigating rivers and men employed in floating rafts and in conducting transports of merchandise overland.

§ 74. Passports of deserters.

Deserters whose passports have remained on board the ships from which they deserted cannot obtain new ones from Consular Officers. When such a person applies to a Russian Consulate, requesting to be sent home, in accordance with Art. 296 of the Russian Trades Regulations (Svod Zakonov, vol. IX., ed. 1893), the Consul should address a letter to the captain of the Russian vessel by which the deserter will be sent home, setting forth what the man has declared as to his name, his native place, and the name of the ship from which he deserted, and requesting him to deliver the deserter to the Russian authorities at the port of destination.[3]

§ 75. Passports for fugitives and stowaways.

Persons leaving Russia clandestinely without foreign passports cannot obtain one either from the Russian authorities in Russia or from Consuls abroad. In the event of their wishing to return to Russia, they must apply to a Russian State Consul for a certificate to enable them to proceed to their home, which must be presented to the Russian authorities on the frontier, and in which their declaration as to name, native place, &c., must be explicitly set forth. The Consul should exercise the greatest care in issuing such certificates, and must have the best of reasons for believing that the person whom he provides with one of them is a *bona fide* Russian subject. The petitioner must produce documents of some kind to enable his identity to be established. If he is unable to produce such documents, the Consul, before issuing the certificate, must communicate with the Ministry of the Interior in order to ascertain the correctness of his statements. These precautions are necessary in order to avoid the danger of admitting foreigners into the country under the pretence of being Russian subjects.[4] At the time of issuing the certificate the Consul must report the matter to the Second Department of the Russian Ministry of Foreign Affairs and to the Police Department of the Russian Ministry of the Interior.

§ 76. Passports for families of Russians abroad.

If a Russian subject who is married wishes his family to join him abroad, he must apply to a State Consul requesting him to notify the proper Russian authority of his request for a Russian

[1] Passport Reg., Art. 199.
[2] *Ibid.*, Art. 180.
[3] *See* "Deserters."
[4] Circular of the II. Department of the Ministry of Foreign Affairs of the 24th April 1893, No. 3145.

passport for his family, or he must send a power of attorney to his family authorising them to apply at the lawful place for a foreign passport. The signature to the power of attorney must be legalised by the Consul, who for that purpose will require to see the passport of the person by whom the power is given.[1]

§ 77. Passports not issued to emigrants from Russia of foreign nationality.

Members of foreign colonies in Russia emigrating from the Empire and thus ceasing to be Russian subjects cannot receive passports to enable them to return to Russia.[2] On the other hand Russian emigrants returning from Brazil are permitted, by a special resolution of the Governor-General of Warsaw, to return to Russia without passports or papers of identity.[3]

§ 78. Passports for returning emigrants and foreigners returning to Russia.

Russian Jews and other Russian subjects emigrating from Russia, who are provided with papers to prove that they have actually so emigrated, and who are denied admission into Germany, must be readmitted into the Empire if they have not been in Germany more than one year counting from the date of their crossing the Russo-German frontier.[4]

A foreigner leaving Russia on a foreign passport issued to him by the authorities in Russia and applying to a Russian Consul with the statement that the State to which he formerly belonged refuses to give him a passport on account of his protracted stay abroad, may be granted a passport by the Consul to enable him to return to Russia, in consideration of a written promise to the effect that on his return to Russia he will apply to the Ministry of the Interior with the request to be admitted to Russian citizenship.[5]

§ 79. China.

Special agreements have been entered into with regard to passports for Russian subjects abroad, by the rules of the overland trade between **Russia and China** of the 4th August 1881, according to which the Chinese authorities have the right to stop Russian merchants who have crossed the frontier without papers of identity and to convey them to the nearest Russian State Consul to be punished, and, if said identity papers have been lost by them, to be provided with new ones.

§ 80. Corea.

The treaty between Russia and **Corea** of the 25th June 1884, Art. 6, and the rules to be observed in the overland trade between Russia and Corea of the 8th August 1888, provide that Russian subjects are permitted to travel in Corea without papers of identity but not nearer than within 100 Corean miles (li) of Keng-Cheng. Russians who bear Russian papers of identity are permitted to

[1] Passport Reg., Art. 12.

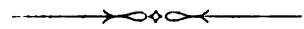
[2] Circular of the II. Department of the Ministry of Foreign Affairs of the 2nd July 1879, No. $\frac{5322}{245}$.

[3] Circular of the II. Department of the Ministry of Foreign Affairs of the 13th March 1891, No. $\frac{1711}{316}$.

[4] Final Protocol to the treaty of commerce and navigation between Russia and Germany of 29th January/10th February 1894, section IV., § 22.

[5] Circular of the II. Department of the Ministry of Foreign Affairs of the 2nd May 1871, No. $\frac{2854}{199}$.

travel in any part of Corea. Any Russian subject who is found to be without papers of identity in one of the forbidden provinces referred to, will be brought before the nearest State Consul for punishment.



CHAPTER IV.—DRAWING UP, LEGALISING, AND ATTESTING DOCUMENTS.

§ 81. Legalisation of documents.

EVERY document to be legalised by a State or Elective Consular Officer must be presented to him in duplicate, as an exact copy of every such document requires to be preserved in the archives of the Consulate.

In legalising and drawing up documents, Russian Consular Officers must distinguish the following cases:

§ 82. Documents which may be drawn up or legalised by Elective Consuls.

1. The State or Elective Consular Officer may draw up or attest documents in which mere matters of fact are certified, such as invoices, bills of lading, bills of health, certificates of origin, copies of documents, diplomas relating to the conferring of orders, protocols and similar documents. This form of attestation, which consists in merely witnessing the authenticity of the signatures to such documents without certifying that they are drawn up in accordance with the laws of the land, is also employed in the case of certificates or deeds issued by local institutions or officials, which do not testify to an agreement or contract between two or more parties. In the latter case the State or Elective Consular Officer must mention in his attestation the official position or status of the signatory.[1] Although this form of attestation may be performed by Elective Consular Officers as well as by State Consuls, Consular practice has established an exception to the rule in the case of certificates of baptism, of admission to the Jewish religious community of Russian subjects, and of the marriage of men of Russian nationality to women either of Russian or foreign nationality. These documents must be produced for legalisation to the proper Russian State Consul, together with the man's Russian passport, in which the name of the child or of the wife must be inscribed by him on the evidence of the said document.

§ 83. Documents which can only be drawn up or legalised by State Consuls.

2. Only State Consuls are entitled to attest documents which are of the nature of agreements between two or more persons and which are drawn up by the local authorities of the particular Consular district. Such documents are, for instance, contracts, powers of attorney, wills, &c., &c. The attestation states, that the document is "in accordance with local laws."[2] It does not preclude the Russian law courts from examining its formal validity or prevent the parties interested from contesting its conformity with

[1] Imperial Russian Law of 8th June 1893.

[2] Russian Code of Civil Procedure, Arts. 464, 465, 707, ed. 1883.

the laws of the country where it was drawn up. This attestation of the State Consul does not serve as a guarantee of the incontestability or correctness of the **contents** of the document, according to the law of the land, but only of the fact, that the said document was drawn up in accordance with the **procedure** and in the **form** legally adopted in that land, *i.e.*, with the participation of those officially recognised persons, to whom, under local law, is entrusted the supervision and observation of the usual legal formalities.[1] From this it appears, that a Consul by certifying the correctness of documents drawn up abroad, does not guarantee that the **contents** of such documents may not be disputed on the basis of the laws of the country in which the said documents were executed, since a guarantee of this nature, involving the consideration of questions often of an extremely complicated character and requiring special juridical knowledge, can only be given by local legal authorities. On the other hand, the Consul in such case is not obliged to demand that the document shall be in conformity with Russian law, nor to enquire into legal value of its contents. It follows, therefore, that the Consular legalisation cannot impart legal validity to a document the contents of which are at variance with Russian law, as the formal correctness of a document drawn up abroad "does not determine its legal validity in the eyes of the Russian authorities."[2] For this reason also, the Consular attestation of such documents cannot influence the decision of the Russian courts as to their legal validity. However, as long as a document drawn up abroad in accordance with local law does not refer to a transaction prohibited by the laws of Russia or opposed to public policy, it is recognised as valid in Russia, although the form in which it is drawn up may differ from that observed in Russia.[3] As regards documents which are drawn up abroad privately, *i.e.*, without the participation of Notaries Public or other official persons, it is important that Russian State Consuls, when attesting such documents, should make sure that the local law permits the particular form of document.

Documents which have not been furnished with the attestation of a Russian Consul are regarded in Russia as "domestic" (domashnie). Their legal force is determined by Article 458 of the Russian Code of Civil Procedure.[4]

It appears, therefore, that the Consular attestation has only this significance, that the **public character** which the document possesses in the land in which it is executed is preserved in Russia.[5] On

[1] Circular of the II. Department of the Ministry of Foreign Affairs of 21st October 1882, No. 9742.

[2] Decision of the Civil Court of Cassation of the Ruling Senate, 1880, No. 8376.

[3] Decision of the Civil Court of Cassation of the Ruling Senate, 14th May 1880, No. 144.

[4] Decision of the Civil Department of the Ruling Senate, 1881, No. 183; 1874, No. 837.

[5] Communication of the II. Department of the Ministry of Foreign Affairs to the Russian Consulate at Newcastle-upon-Tyne of the 23rd October 1902, No. 11498.

the other hand, a Consul cannot attest documents, the contents of which do not conform to the political institutions, the social order, or the public safety of the Russian Empire, or in which mention is made of acts to be performed in Russia which are in direct opposition either to measures taken by the Russian Government or to Russian law,[1] as, for instance, powers of attorney for the sale of lottery tickets, which, in Russia, are prohibited by law.[2] In the same way the Consular attestation cannot be affixed to powers of attorney which omit to mention either the object of the power, or the person in whose favour it is made out,[3] to decisions of the Courts of foreign countries, unless a special treaty has been concluded between the country in question and Russia for the execution of judicial decisions arrived at in such countries;[4] to bottomry bonds given without the consent of the Russian State Consul having first been obtained to take up money on bottomry; to powers granted by Russian Poles residing in England, to persons in Warsaw, to enable them to collect inherited property or to realise thereon, or to collect debts, and to send the proceeds from Poland to England;[5] and, generally, to any deeds or documents whatsoever that are drawn up without the co-operation of a Russian Consul and are in contradiction to the Russian Consular, Maritime or Commercial Regulations. Anyone, however, who has been refused the attestation of a document by a Consul, can appeal to the Second Department of the Russian Ministry of Foreign Affairs, or the Russian Embassy or Legation in that particular country. The matter will then be considered and, if necessary, instructions given to the Consul. Should the Consul himself have doubts as to the propriety of legalising a given document, he must apply for instructions to the Ministry of Foreign Affairs or to the Embassy or Legation to which he is subordinate. In any case, the grant or refusal of legalisation of documents is not only to be decided by formal law, but also by such general considerations of utility as the representatives of the Russian Government may consider to be applicable to the particular case.[6]

3. The State Consul may himself draw up documents of a legal character or legalise such documents when they are drawn up by private persons. In this case his status is that of a Russian Notary Public. He is, therefore, bound to assure himself of the personal identity, the legal capacity, aud the clearly-expressed will of the

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[1] Circular of the II. Department of the Ministry of Foreign Affairs of the 23rd January 1889, No. 555.

[2] Art. 265, annotation 3, of the "Ustav o Preduprezhdenii i Presetchenii prestupleniy" vol. XIV. of the Svod Zak., ed. 1890.

[3] Circular of the II. Department of the Ministry of Foreign Affairs of the 26th May 1881, No. 4823.

[4] *See* "Execution of the judgments of foreign courts in Russia."

[5] Circular of the II. Department of the Ministry for Foreign Affairs of 30th June 1869, No. $\frac{4678}{191}$.

[6] *Ibid.*, of 31st January 1903, No. 1270.

parties to the proposed transaction, and that such transaction is not in opposition to those laws of Russia which protect the order of administration, public morality, and the honour of private citizens. In legalising documents which have been drawn up by private persons, the Consul must mention particularly that he has taken the necessary steps to satisfy himself on these points. According to the regulations applying to Notaries Public in Russia, the identity of persons participating in the drawing up or witnessing of a document is generally to be proved by the production of their passports, certificates of employment, or police certificates. If, for some reason or other, such documentary proof cannot be produced, and the parties are not personally known to the Notary, their identity must be established by the evidence of two trustworthy persons, who must be personally known to the Notary or be able to supply the required proof of their identity. The method of identification must be stated in the text of the document or of the legalisation.[1] If it is impossible to identify the parties in the manner here specified, the Consul must mention in the document, or in the legalisation, what proofs or circumstances have led him acknowledge their identity.[2] Some Russian Consular Officers refuse to legalise documents signed by Russian subjects who have left Russia clandestinely, and who are not provided with Russian foreign passports. Although such a course is dictated by the laudable desire to inflict some kind of punishment on runaways for their illegal departure from Russia, it is hardly in conformity with the above-mentioned regulations applying to Notaries Public in Russia, which should also be observed by Russian State Consuls.

In order to convince himself of the legal capacity of the parties concerned, the Consul must consult their foreign passports. He may also require from them a written declaration to the desired effect.[3] Other evidence of the legal capacity of the parties may consist in the declaration of trustworthy persons. Besides certificates of birth, written statements signed by the minister of religion by whom the parties were baptised, or to whom they are accustomed to confess, may be accepted as proof that the persons are not minors. The legal capacity of a person is regulated by the laws of the State and the province to which he belongs, and not by the laws of the country where the deed or contract is executed. The Consul must also satisfy himself of the legal capacity of the persons who witness the execution of the document.[4] Ignorance of the Russian language is regarded as a cause of incapacity to witness an act legalised by a Russian Consul. If a person who is ignorant of the Russian language takes part in the execution of an act before

[1] Regulations relating to Notaries Public, ed. 1892, Art. 73, Svod Zakonov, vol. XVI.

[2] *Ibid.*, Art. 74.

[3] Temporary rules as to the application of the Regulations relating to Notaries Public, Art. 20.

[4] Regulations relating to Notaries Public, Art. 147.

a Russian Consul in any other capacity than as a witness to the act, it is necessary to secure the services of an interpreter.[1]

All such acts, deeds, contracts, &c., must be written in the Russian language, and all sums of money, weights, and measures must be expressed in Russian terms. Sums of foreign money and foreign weights and measures in the text of such acts must also be shown in their Russian equivalents.[2]

In drawing up or legalising documents (Krepostniye Akty) the State Consul must enter them word for word in his Consular book, at the same time recording all the circumstances of the case, viz., by whom the document was presented—whether by the parties themselves, their attorney, or any other person; where the document was drawn up and signed—whether at the Consulate or at the private residence of the parties; in what manner the identity of the parties signing the deed was established, &c. Copies of all powers of attorney presented by third parties and authorising them to procure the legalisation of documents as above, must be preserved as annexes to the Consular books.[3]

Russian Consular Officers can only grant copies of acts or deeds drawn up or legalised by them to persons mentioned in such acts, or to their attorneys or heirs, or to persons to whom the rights of the contracting parties are transferred, either by the judicial decision of a Russian court of law or by special authorisation of the Russian Ministry of Foreign Affairs.[4]

Every deed executed abroad and dealing with immovable property (real estate) situated in Russia, must be either drawn up or legalised by a Russian Consul or Minister, as holograph domestic documents (domashniye) dealing with such matters are not valid in Russia.[5]

The rules to be observed in legalising documents differ according to whether the parties are all Russian subjects, or whether foreigners are interested in them, and whether such documents relate to real estate situated abroad. In the former case, viz., if Russian subjects residing abroad desire to execute a deed in which only Russian interests are involved, and which does not relate to real estate situated abroad, the document can be drawn up (1) either by a Notary Public and then legalised by a Russian State Consul, on being produced to him in duplicate, he stating that the document is executed in accordance with the laws of the land, or (2) it can be drawn up before a Russian State Consul without the co-operation of a Notary. If foreigners are interested in a document, as, for instance, in the case of a power of attorney given by a foreigner in

[1] Regulations relating to Notaries Public, Art. 91.

[2] *Ibid.*, Art. 97. The legal equivalents of Russian and foreign weights and measures are shown in the Appendix.

[3] For the formalities to be observed in drawing up and executing wills, *see* "Wills of Russian subjects abroad."

[4] Regulations applying to Notaries Public, part I., Art. 117.

[5] Circular of the II. Department of the Ministry of Foreign Affairs of 21st October 1882.

favour of a Russian subject, or if the document relates to real estate situated abroad, it must be drawn up before a Notary Public, according to the maxim *locus regit actum*, and then be legalised by a Russian Consul. In civilised countries, Consulates do not possess the privilege of exterritoriality. For this reason, transactions between foreigners and Russian subjects, if performed without the co-operation of the local authorities, and, contrary to the maxim quoted above, are always liable to be contested. To this general rule an exception has been made by the Consular Conventions concluded by Russia with **France, Germany, Italy,** and **Spain.** Art. 9 of these Conventions gives to the Consuls of the contracting parties the right to act as Notaries Public:

§ 84. France, Germany, Italy, Spain.

1. In case of deeds concluded between their countrymen on the one hand and local subjects on the other.

2. In case of deeds concluded between local subjects, if such deeds have for their exclusive object property situated in Russia, or if they relate to affairs which are to be dealt with in Russian territory.

Consular Officers are further empowered by these Conventions to certify the validity of documents issued in Russia, for the purposes of local authorities. All such deeds as are mentioned above, and all copies, extracts or translations from such deeds, when properly attested by Consular Officers and sealed with the official seal, possess the same validity and force in the territory of the contracting powers, as if they had been drawn up in either country by notaries or other officially competent persons. On all such deeds, drawn up abroad, all stamp duties, court and other fees must be paid in the country where they are carried into effect. Thus, the Consular Officers of the contracting parties have been placed on an equal footing with local Notaries Public.

§ 85. Persia.

In **Persia** the drawing up and attestation of documents by Russian Consuls is regulated by the Convention concluded between Russia and that country on the 10th February 1828, which provides (Article 2) that contracts, bills of exchange, and all other written agreements between the subjects of the two countries and relating to business transactions, are to be recorded in the books of the Russian Consul and also in those of the Hakim (judge in civil matters), or, where there is no Russian Consul, in those of the Hakim only, in order to render a thorough investigation of the matter possible in the event of disputes between the parties. If one of the contracting parties lodge a complaint against the other, without being able to produce documents duly attested in the manner specified, and if he is not in a position to offer any other evidence than that of witnesses, his claim cannot lie, unless its validity is explicitly recognised by the respondent.

§ 86. China.

As regards **China,** the Conventions concluded by Russia with the Celestial Empire on the 2nd/14th November 1860 and the 12th/24th February 1881, provide that written contracts on matters of

commerce between Russians and Chinamen can be presented at Russian Consulates and other institutions representing the Russian Government in China in order to be legalised.

All Russian State Consuls have the same powers as Notaries Public in Russia, and the legalisation by them of documents granted in accordance with Art. 465 of the Russian Law of Civil Procedure and Arts. 2 and 10 of the Consular Regulations confers legal validity on such documents in Russia.

§ 87. Applications of Elective Consuls for legalisation of documents.

If application is made to an Elective Consular Officer for the legalisation of a document which can only be legalised by a State Consul, the document in question must be sent, in duplicate, to the State Consul to whom he is subordinate, together with the following particulars:—

1. The name, in full, of the Notary Public whose signature is to be certified;

2. The date of the document;

3. The names of the persons by whom the document was presented and signed;

4. The names of the persons to whom the power of attorney is given, and of the place in Russia for which it is given;

5. A brief statement of the substance of the document.

The signatures to be legalised may be either in Russian or in a foreign language. In the latter case, a translation of the signature must follow, and the correctness of such translation be attested by the Consular Officer. The signatures of foreign subjects may only be legalised if the Consul is able to convince himself, by adequate documentary evidence, of their authenticity. As difficulties occasionally arise as to what documents may be considered sufficient proof of identity, it is the rule, in some Russian Consulates, that all signatures of foreigners whether on contracts or on documents certifying simple facts, must be attested by a local Notary Public before they can be legalised by the Consul. Other Russian Consuls keep special books, in which all foreign business firms or individuals who have occasion to apply to the Consulate at all frequently for the legalisation of their signatures are required to sign. Their signatures need not then be first attested by Notaries Public, as the Consular Officer is in a position to satisfy himself of their authenticity by a reference to his book.

In their own private affairs and in those of their relations, Russian State or Elective Consuls are not permitted either to draw up or to legalise notarial deeds of any description. In such cases they must apply to another State Consul.

On the 1st January, the 1st May, and the 1st August, the State Consul is required to make a return to the Ministry for Foreign Affairs of all the attestations by him of documents containing agreements between two or more persons. His report must mention the contents of the documents, their date, the names of the persons by

whom they were issued and of those in whose favour they were made out, and also the date of their attestation.[1]

Every certificate or document legalised or drawn up by a Russian Consulate must bear a statement of the fees received, in Russian money and in the currency of the country where the Consul resides. If the document is issued or legalised gratis, it must bear a statement to that effect.

CHAPTER V.—LEGAL CAPACITY OF RUSSIAN SUBJECTS.

§ 88. Legal capacity of Russian subjects.

According to the Russian Code of Civil Laws, there are three classes of minors: one from birth to the age of fourteen, the second from fourteen to seventeen, and the third, from seventeen to twenty-one years of age.[2]

A minor is not entitled to manage his own property independently, or to dispose of it or alienate it under any agreement or obligation, or to empower others to do so for him.[3]

On attaining the age of fourteen, although a minor is then at liberty to sue for the appointment of a guardian of his own selection, who must be qualified as required by law, to give advice and protection in all the minor's affairs, he is not any freer to dispose of his property than before that age, and all agreements and obligations entered into by him are, as before, null and void.[4]

On attaining his seventeenth year, he is at liberty to take over the control of his property, but may not contract debts, give written undertakings or execute deeds or agreements of any kind whatever, or dispose of moneys which are in circulation, or withdraw such moneys from banking and other establishments, otherwise than with the consent testified by the signature of his guardians, without which no agreement or obligation entered into by him is valid.[5]

The right to complete control of his property and the liberty to effect agreements and to contract obligations is not acquired by the minor until he attains his twenty-first year.[6]

Married persons are permitted to mortgage or otherwise dispose of any property owned by them individually, in their own name and independently of each other, and are not obliged to obtain each other's consent when so doing.[7]

The right to sign bills of exchange is possessed by all persons who are, in law, entitled to contract debts; the exceptions to this rule are:

1 Ministers of religion of all denominations;

[1] Cons. Reg., Art. 16.
[2] Code of Civil Laws, Art. 213.
[3] *Ibid.*, Art. 217.
[4] *Ibid.*, Art. 219.
[5] *Ibid.*, Art. 220.
[6] *Ibid.*, Art. 221.
[7] *Ibid.*, Art. 114.

2 Such peasants as own no real estate, unless they have taken out certificates as artisans.

Married women and single women living with their parents, even though of age, are not permitted to issue bills of exchange, the former without the consent of their husbands, the latter without the consent of their parents, or to enter into any obligations connected with such bills, unless they are in business in their own names.[1]

Special regulations as to legal capacity are in force in the following places:

§ 89. **Baltic Provinces.**

In the **Baltic Provinces** legal majority is not attained before the age of twenty-one.

Single women on attaining their majority obtain full control of their property, on an equal footing with men, but they are at liberty to avail themselves of the advice and co-operation of members of the opposite sex in the capacity of guardians, advisers or assistants.[2]

As a result of the marriage contract, the husband becomes the lawful guardian, adviser and assistant of his wife.[4]

§ 90. **Poland.**

In **Poland** the age of legal majority is twenty-one.[5]

A minor on attaining his sixteenth year is permitted to control his property on the conditions of the will under which it is inherited, but is not at liberty to dispose of more than one half of that portion of his property which the law would permit him to dispose of if he had attained his full majority.[6]

The following persons are not permitted to effect agreements: minors, persons legally deprived of the right to effect agreements and in certain cases, expressly defined by law, married women.

A wife is at liberty to execute a will without the consent of her husband.[8]

The consent of the husband is, however, necessary in the case of certain actions and undertakings on the part of the wife in matters of civil law.[9]

§ 91. **Finland.**

In **Finland** the age of legal majority is also twenty-one years. If, however, a minor is able to acquire any property before that age, he is permitted, on attaining his fifteenth year, to have full control of it.[10]

After marriage the husband acquires the status of legal guardian of his wife, and is entitled to plead for her in law, and to exercise

[1] Code of Laws relating to Bills of Exchange, Art. 2.
[2] Code of Laws of the Baltic Provinces, Part III., Art. 269.
[3] *Ibid.*, Art. 531.
[4] *Ibid.*, Art. 11.
[5] Civil Code of Poland, Art. 345.
[6] Code Napoleon, Art. 904.
[7] *Ibid.*, Art. 1,124.
[8] Civil Code of Poland, Art. 189.
[9] Polish Law of Conjugal Relationship, Art. 214.
[10] Code of Finnish Civil Law, Inheritance, Chapter XIX., Art. 1.

complete control over their joint property, within certain fixed limits.[1]

A widow has absolute freedom of control over herself and her property.[2]

§ 92. Bessarabia.

In **Bessarabia** men are regarded as infants in law below the age of fourteen, and women below the age of twelve, and are placed under the tutelage of guardians. On attaining the respective ages mentioned above, they are regarded as minors, and their property is controlled by trustees (popechitelstvo).[3]

A minor of the male sex may, on attaining his fourteenth year, execute a will, and such a will is valid.[4]

A married woman has full control over all property left to her by will or otherwise acquired by her, with the exception of her dowry, and is at liberty to dispose of such property by deed of gift or by will, at her own discretion, and all such dispositions made by her are valid.

CHAPTER VI.—WILLS OF RUSSIAN SUBJECTS ABROAD.

WILLS of Russian subjects have legal force only when they do not conflict with the laws of the Russian Empire. There are several forms in which the will of a Russian subject abroad may be cast.

93. Is in accordance ith local w.

1. The will may be drawn up in accordance with local law, either with or without the co-operation of the local authorities and then legalised by the Russian State Consul of the district as being in conformity with local laws. Art. 1077 of the Russian Code of Civil Laws (Ed. 1887) is as follows: "A Russian subject abroad may draw up a 'domestic will' in accordance with the laws of the country in which he resides, with the necessary production to a Russian State Consul or Legation." In Russian law, therefore, all wills of Russian subjects drawn up abroad, whether with or without the co-operation of local public authorities, are regarded as "domestic wills" and this finds further corroboration in the fact that, on the basis of Art. 464 of the Code of Civil Procedure (Ed. 1883), Russian tribunals have to confirm the wills of Russian subjects drawn up abroad, whether with or without the co-operation of local public authorities.[6] The object of the production of the will to a Russian Consul, either during the testator's lifetime or

[1] Finnish Law of the 15th April 1889.
[2] Code of Finnish Law, Inheritance, Ch. XIX., Art. 3.
[3] Bessarabian Civil Laws of Armenopulo, I. 12, § 1.
[4] *Ibid.*, I. 12, § 10.
[5] *Ibid.*, II., 12, § 3.
[6] Circular of the II. Department of the Ministry of Foreign Affairs of the 21st October 1882.

after his death, as prescribed in Art. 1077 of the Civil Code quoted above, is to secure the attestation of the Consul or Minister to the fact of the document having been drawn up in accordance with the laws of the country in which it was made. As the Consul is not obliged to be acquainted with local law, he is at liberty to demand that, previously to his legalisation, the fact that the will is in conformity with such law, be first attested by a local Notary Public. The validity of a will executed in this manner is also recognised by Arts. 464 and 465 of the Code of Civil Procedure of the Russian Empire (ed. 1893), while, if it refers to real estate situated in Russia, it requires, besides, to be produced at the Notarial Archives in Russia, in accordance with Art. 915 of the Code of Civil Laws (ed. 1887) not later than six months from execution. No deed executed abroad and dealing with real estate situated in Russia is valid in Russia unless legalised by the proper Russian State Consul. This applies to all forms of wills. In attesting the will, the Consul is required to state by whom and when it was produced before him, whether by the testator himself or any other person, and whether during the lifetime of the testator or after his decease. It is recommended that such wills should, when possible, be produced during the lifetime of the testator and by the testator in person; this will afford him an additional guarantee, that the will will be recognised as valid by the Russian Courts of Justice. It is necessary, however, to bear in mind, that the Consular attestation only confirms the fact that the will has been drawn up in accordance with the form commonly observed in the particular country, or with the assistance of the official personages competent to give it, so that the Consular attestation cannot be held to be a guarantee that the will is absolutely correct and incontestable. If, therefore, upon further test of the will, it should appear that, in drawing up the document, all the requirements of the local law had not been observed, the Consul or Minister by whom the will was attested, could not be held responsible for the error.

Wills made orally by Russian subjects have no validity in Russia, even if they are recognised as valid by the laws of the country where they are made.[1]

§ 94. Wills drawn up in the form of Russian "Krepost" (notarial) deeds.

2. The will may be drawn up abroad and legalised by a Russian Consul in the form of a Russian Krepost (notarial) deed. This form is of importance in the cases mentioned in Art. 1068 of the Civil Code, in which only Kreposti (notarial wills) are recognised as valid, viz., in certain cases relating to family real estate. Art. 1078 of the Russian Code of Civil Laws (Ed. 1887) is as follows:—"The production of wills of Russian subjects drawn up abroad to Russian Consuls or Ministers, is equivalent to the drawing up of the same document in Russia in the form of a 'krepost' (notarial) deed, and these wills, when produced in the

[1] Judgment of the Dep. of Cassation of the Ruling Senate of 8th October 1875, No 749.

legally prescribed manner to such Consulate or Legation are recognised as having the validity of such 'krepost' (notarial) deeds." This article establishes the order of procedure according to which Russian subjects abroad are permitted to draw up and execute wills abroad in the form of "krepost" (notarial) deeds, and the rules to be observed in this case are stated in Art. 12, paragraph 4, of the Consular Regulations, viz., the will is produced before the Consul and is entered, word for word, in the special book kept at the Consular Office for the registration of wills.[1] It is then returned to the testator with a Consular legalisation, which states that the will has been entered in the Consular book after having been produced to the Consul by (name of the person by whom the will was produced) on the (date on which it was produced). The Consul also states in his book the manner in which the will was presented to him, *i.e.*, whether by the testator himself, or through an authorised representative, or whether it was sent by post, and, if so, by whom, when, and in what manner. After the entry of the full text of the will, the testator, or his representative, must sign his name in the book, below the text of the will. In the case of a will sent by post, this signature is dispensed with. As the entry of the will in the Consular book could hardly be made in any other language than Russian, (*cf.* Art. 97 of the Russian law respecting Notaries Public) the will must be written in that language, no legislative provision having been made for any other contingency. However, the question is controversial. For instance, Goriainoff points out in his guide for Consuls, page 574, that Art. 131 of the Consular Regulations, which only relates to Consulates in Persia, ought to be complied with by all Russian State Consuls. This article admits the possibility of a will written in a language other than Russian being entered in the Consular books, but subject to the condition that a translation of such will into Russian is also entered with it.

§ 95. Domestic wills.

3. The will may be drawn up as a domestic will in accordance with Russian law, without the co-operation of any public authority whatever. Although this form of will does not require to be produced at a Russian Consulate, there is no reason why a Consul should refuse a possible request to legalise the signature of the testator or witnesses to such a document.[2] However, the performance of this formality does not give the will the character of a notarial will.[3]

The following regulations must be observed: A domestic will drawn up in accordance with Russian law may be written on ordinary paper of any shape or size, including ordinary letter paper, provided such paper, consisting of two halves, forms only one whole sheet; wills written on parts torn off a sheet, or on scraps of paper, are not valid.[4]

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[1] *See* under heading "Archives and Office."

[2] Goriainoff, Guide for Consuls (in the Russian language), pages 567, 569, 578.

[3] *Ibid.*, page 880.

[4] Code of Civil Laws, Art. 1045.

The "domestic will" must be written either wholly by the testator himself, or at his request and from his dictation, and in either case the document must be signed by him. The signature must give the testator's name, patronymic and family name or surname.[1]

If, by reason of illiteracy or sickness, the testator is incapable of signing the will himself, the signature of another person may be appended at his request and in his stead, besides those of the witnesses; but such person must possess all the qualifications required in a witness to the will. With the signature in such a case must be stated the reason for the testator not signing the will himself, *i.e.*, whether through illiteracy or sickness.[2]

When the will is written by someone other than the testator himself, the signature of the writer must be appended to the document, in addition to that of the testator, and also the signature of three witnesses, or at least of two, if a Greek Catholic priest is one of them. The signature must also show the calling of the testator.

One and the same person cannot validly write the will for the testator and sign it for him, or act as witness, or as signatory for a witness, nor can one and the same person sign for the testator and act as witness or as signatory for a witness.[3]

A "domestic will" written throughout in the testator's own handwriting, must be signed by two witnesses.[4] The witnesses must certify (1) the authenticity of the will, that is to say, that the person who presents it is actually the person by whom it was drawn up and signed; (2) that when the will was presented to them by the testator they saw him in person and found him to be of sound disposing mind, memory and understanding.[5]

The following persons are prohibited from witnessing wills:—

1. Individuals in whose favour the will is made.

2. Relations of such individuals to the fourth degree of blood relationship, and to the third degree if there is connection by marriage, if the will is not drawn up either wholly or partly in favour of direct heirs.

3. Executors and guardians under the terms of the will.

4. Persons who are themselves not legally entitled to make bequests.

5. All individuals who are generally disqualified by law from acting as witnesses in civil cases.[6]

A "domestic will" may be kept by the testator himself if he so prefers, or it may be committed to the charge of the Consul in a sealed envelope. In the latter case it must be a holograph will with an inscription on the envelope to the effect that it

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[1] Code of Civil Laws, Art. 1046.
[2] *Ibid.*, Art. 1053
[3] *Ibid*, Art. 1048.
[4] *Ibid.*, Art. 1051.
[5] *Ibid.*, Art. 1049.
[6] *Ibid.*, Art. 1057.

contains the will of the person by whom it is presented.[1] The will may be handed over by the testator himself or by a person having his authority to do so, or it may be sent by post. When the will is presented to him the Consul makes an entry to that effect in the book containing the records of wills, describing the form observed in presenting the will to him, by whom it was presented, when, by what means, &c. The sealed envelope is tightly bound with cord, sealed with the Consular seal, and preserved in the Consular archives; a receipt to that effect, bearing the Consular signature and seal, being given to the person presenting the will, who, finally, must sign his name below the entry in the consular book. Such signature is dispensed with in the case of a will which has been sent by post.

The legality of domestic wills drawn up abroad in accordance with Russian law has been contested by some lawyers on account of the non-observance of the rule: *locus regit actum, i.e.*, because the will may not be in conformity with local foreign law. It is, therefore, recommended that this form be avoided when foreign subjects are mentioned in the will. The safest guide as to whether the form of "domestic" will prescribed by Russian law can be used by a testator abroad, is to regard the will in the same way as any other contract drawn up abroad. Such documents require to be drawn up in the form prescribed by the local law, except in the case of agreements all the parties to which are Russian subjects, in which case their national law can be observed. In fact, in such a case, there would be no one who could contest the validity of the contract or will, as all Russian subjects are equally bound to observe the provisions of their national law whether they are at home or abroad.

§ 96. Wills in the form of a Russian notarial will.

4. The will may be drawn up in the same form as one drawn up by a Notary Public in Russia, at the Russian Consulate itself. In France, Germany, Italy, and Spain, Russian Consuls are entitled to act as local Notaries Public and to register the wills of their countrymen in accordance with Art. 9 of the Consular Conventions concluded between these countries and Russia. In countries where such agreements do not exist, the Russian Consul may only act as Notary Public in matters concerning none but Russian subjects, *e.g.*, in the case of a will in which none but Russian subjects are interested. If foreigners are mentioned in a will so drawn up, the will might be contested, owing to its not having been drawn up in accordance with local law and on the principle that "*locus regit actum.*"

The formalities to be observed in drawing up a notarial will in accordance with Russian law at a Russian Consulate are as follows:—In the presence of three witnesses, who have established their identity by producing their passports or who are personally known to the Consular officials, the testamentary dispositions are

[1] Cons. Reg., Art. 80.

entered in the Consular book and are signed by the testator or, if illiterate, by some one else on his behalf, after which they are signed by the three witnesses, certifying that the will was drawn up in their presence and that, in their opinion, the testator was of sound disposing mind, memory and understanding. The signatures of the testator or, if illiterate, of the person signing for him, and of the three witnesses, are attested by the Consul. Finally a copy of the full text of the will is given to the testator with an attestation of the correctness of such copy. The testator signs a receipt for the copy in the Consular book. This mode of drawing up a notarial will at the Consular office, in the presence of witnesses, affords a better guarantee for the authenticity of the document than the "domestic will." On the other hand, the drawing up of a notarial will abroad is only possible in those centres where there are resident persons competent to act as witnesses and who know the Russian language.

§ 97. Alteration of wills.

All wills and testaments may be altered, either wholly or in part, at the testator's desire. A notarial will can only be altered or annulled by another notarial will (krepostnoye zavestchaniye), whereas a domestic will may be altered or annulled by another domestic will or by a notarial will, at the testator's discretion. Every will can, further, be annulled by means of a notarial instrument or, if the testator is absent on active military service or on official duty, by a letter to the desired effect signed by him and addressed to headquarters. If a notarial will is annulled by the testator during his lifetime, a domestic will left by him, if correctly executed, is admitted in law as valid.[1] The same applies to wills executed before Russian Consular Officers.

Wills executed abroad must be presented for probate either to the Circuit Court, or to the court within the jurisdiction of which the property disposed of is situated, or to that within the jurisdiction of which the testator last resided when in Russia.[2]

§ 98. Probate of will.

On the death of the testator the will must in every case be presented for probate to the proper Russian court. It must be submitted in the original, except in the case of a notarially drawn up will, of which only a copy is submitted.

The will is produced for probate by the person in whose custody it happens to be at the time.[4] If the will is deposited at the Consulate, the Consul must hand it over to the II. Department. If the text of the will is entered at the Consulate the Consul must send a copy.[5]

The period of time during which probate of a will must be applied for to the proper Russian Court is one year in the case of persons residing within the limits of the Russian Empire, and two years for persons residing abroad, in each case counting from the

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[1] Code of Civil Laws, Art. 1030.
[2] *Ibid.*, Art. 1079.
[3] *Ibid.*, Art. 1060.
[4] *Ibid.*, Art. 1062.
[5] Cons. Reg., Art. 75.

day of the testator's decease.[1] After these dates wills presented, or produced at the district courts, will not be admitted to probate. Should the heirs or executors under the will, however, be able to bring incontestable evidence that application has been delayed through ignorance of the existence of the will, or for some other lawful reason, the right to prove the will is allowed them during 10 years, dating from the day of the testator's decease.[2]

Probate of a "domestic will" is granted by the appropriate Russian District Court after examination of the witnesses, not under oath, as to whether it was produced by the testator himself, in the presence of all the witnesses, and whether they all considered him to be of sound disposing mind, memory, and understanding.[3] But even when all the witnesses have died and their examination is thus rendered impossible, probate can be granted to a domestic will. It is granted without any such formalities to notarial wills, as these enjoy the juridic presumption of being true and lawful.[4]

The Court enquires into the legality of the contents of the will only in so far as the right of the testator to make the will and the rights of the heirs to receive the property left to them are concerned.

The probate of the will is advertised in the Gazette of the Imperial Senate. The probate is only the attestation of its formal legality and does not preclude its being subsequently contested by persons entitled so to do in their own rights. If the will is contested during the proceedings in probate (ochranitelnoje sudoproisvodstvo) the probate is delayed until the settlement of the lawsuit.

If the District Court refuses probate of the will in the aforenamed ochranitelnoje sudoproisvodstno, an appeal must be made to the Court of Appeal (Palata), and against the decision of that Court a petition can be addressed to the Department of Cassation of the Imperial Senate.

CHAPTER VII.—CONSULAR LEGALISATION OF CIVIL JUDGMENTS OF FOREIGN COURTS.

§ 99. Legalisation of Civil Judgments of Foreign Courts.

IN the year 1882 the Ruling Senate at St. Petersburg, as Court of Cassation, established the fundamental principle that judgments of foreign courts can only have legal force in Russia if the right of judgment has been specially granted to the foreign courts pronouncing such judgment, and according to Art. 1273 of the Russian Code of Civil Procedure, the judgments of those foreign States

[1] Code of Civil Laws, Art. 1063.
[2] *Ibid.*, Art. 1065.
[3] *Ibid.*, Art. 1066.
[4] *Ibid.*, Art. 1052.
[5] *Ibid.*, Art.

alone can be executed in Russia, with whom Russia has concluded special treaties to that effect. If such treaties do not contain particulars of the process of execution, the following articles of the Russian Code of Civil Procedure are observed:—

Art. 1274. Judgments of the courts of foreign States are executed on condition only that such execution has been granted by a special provision of the Courts of the Empire.

Art. 1275. Petitions for the execution of the judgment of foreign courts must be presented to the Circuit Court of the district in which execution is to take place.

Art. 1276. To the petition must be annexed:—

1. A copy of the judgment attested by the court which gave the judgment and accompanied by a warrant of execution, or a declaration of the court to the effect that the judgment is to be executed. The declaration of the court must be legalised by a Russian Legation or Consulate.

2. A translation of the judgment into Russian.

3. Copies of the above documents.

Art. 1277. The citation of the accused by the court is made in accordance with the general rule of procedure.

Art. 1278. Petitions for the execution of judgments of foreign courts are to be dealt with by the process of abbreviated proceedings.

Art. 1279. In such cases the Russian Courts do not investigate the matters in dispute, this having already been done by the foreign court, but have only to satisfy themselves that the judgment of the foreign court is not in conflict with public order or contrary to the laws of Russia.

Art. 1280. Judgments as above are executed according to to the ordinary rules for the execution of judgments of the Courts of the Empire.

Art. 1821. Judgments of foreign courts are not subject to execution in Russia if they deal with real estate situated in Russia.

§ 100. Germany, Belgium, France, Italy, Netherlands, Luxemburg, Austria-Hungary, Switzerland. Transit by Rail.

A class of cases of execution of the judgment of foreign courts of law was created by the Convention concluded on the 14th October 1890 at **Berne**, between **Russia, Germany, Belgium, France, Italy**, the **Netherlands, Luxemburg, Austria-Hungary**, and **Switzerland**, relating to goods in transit by rail.[1] Art. 56 of this Convention stipulates as follows:—"Judgments passed by competent judicial authorities on the basis of the provisions of this Convention and which can be put in force in accordance with the laws by which the said judicial authority was guided, retain their force in the territory of all the contracting States, subject to the conditions and formalities prescribed by local law, but without an examination into the substance of the judgment. This rule does not apply to judgments which are only provisional, or to those parts of a

[1] Leske and Löwenfeld: Die Rechtsverfolgung im internationalen Verkehr. Berlin, 1895, vol. 1, page 840.

judgment by which a complainant who has failed to make good his case, is condemned, in addition to paying the costs of the legal proceedings, to the payment of compensation."

It follows, therefore, that the law court of the State in which the judgment is to be executed is only required to test (1) whether judgment has been pronounced on the basis of the Convention; (2) whether the judge was competent, according to the terms of the Convention; and (3) whether the decree is to be executed absolutely and not provisionally. This question is to be decided in accordance with the laws of the State in which judgment was passed. Judgment is not enforced in cases where the claimaint in a suit is condemned to pay damages in addition to the costs of the proceedings.

§ 101. Costs of legal proceedings. Belgium, Spain, France, Italy, Luxemburg, Netherlands, Portugal, Switzerland, Sweden, Norway, Germany, Austria-Hungary, Denmark, Roumania.

The execution of the judgments of foreign courts in Russia also takes place in accordance with Arts. 11, 12, and 13 of the International Convention concluded at **The Hague** on the 14th November 1898, by **Belgium, Spain, France, Italy, Luxemburg, The Netherlands, Portugal, Switzerland, Sweden and Norway, Germany, Austria-Hungary, Denmark, Russia,** and **Roumania,** and confirmed, as to **Russia,** by Imperial decree of the 24th February 1899. These articles are as follows:—

"No guarantee or deposit on account of legal costs shall be demanded, under the pretext of foreign nationality, from the subjects of either of the Treaty States residing in one and applying to the tribunals of another of them, whether as claimants in lawsuits or as persons participating in such suits. When, on the basis of this treaty, or on the strength of the laws of the State where the claim has been lodged, the payment of the costs of the case and of the damages has not been secured by a guarantee or deposit, the orders made by courts of law in any of the contracting States for the payment of such costs or damages, can be enforced by the competent local authority and in accordance with local law. The competent authority must, in such cases, only satisfy himself that the decision in question is in accordance with the laws of the country where it was given, and that it has acquired legal force in accordance with those laws."

From the above articles it appears, that a foreigner who lodges a claim in one of the contracting States and is condemned, by a court of law of the State where such claim was lodged, to pay the costs of the proceedings, may be compelled to do so, on a requisition of the said court, by the competent authority in his own country: in other words, the decision of a foreign law court, condemning a Russian subject to pay the costs of a lawsuit can be enforced in Russia, provided that the competent Russian court is able to satisfy itself of the authentic nature of the decision and that it has acquired legal force. This must be attested by the Russian Consular officer of the district. In cases of doubt as to the validity of a decision, the Consul may require a certificate from

the local authorities, to the desired effect, on the document being presented to him for legalisation.

Decisions of foreign courts, to which the special treaties as above do not apply, may not be legalised by Russian Consular Officers, except when there is no reason to suppose that the Consular legalisation is required in order to procure execution of the decision in Russia.[1]

The rules regarding the execution of judgments pronounced by foreign courts do not apply to the awards made by courts of arbitration, such awards being in the nature of private agreements. They are valid in so far as they are in accordance with local laws and so long as their execution does not interfere with such laws. The award of an arbitrator is a private act, which, like any other private act, may be made the basis of a claim before the competent court of law.

CHAPTER VIII.—CERTIFICATES GIVING THE RIGHT TO PLEAD IN FORMA PAUPERIS.

§ 102. Certificates in forma pauperis.

THE drawing up or attestation of certificates giving the right of pleading *in forma pauperis* may be carried out by Elective Consuls as well as State Consuls. Arts. 14 and 15 of the International Convention, concluded at the Hague on the 14th November 1898 and confirmed, as to **Russia**, by Imperial Decree of the 24th February 1899, provides that the subjects of any one of the contracting States shall possess the right of pleading *in forma pauperis* in any of the other contracting States, on the same lines as the subjects of such States, and in accordance with the laws of that State in which the petition for the right of so pleading is made. The certification or declaration of the fact of the petitioner's poverty must be made by the authorities either of his place of permanent residence or of the place where he is residing at the time. If the petitioner does not reside in the country where the petition for the right of pleading poverty is made, the certification or declaration of the fact of poverty must be legalised by the local Consular or Diplomatic agent of the country where the document is to be produced, free of charge.

From the above it will be seen that in order to have the right of pleading *in forma pauperis* in Russia, a foreigner residing abroad must produce a certification or declaration of poverty issued by the authorities of the place of his residence and legalised by the local Russian Consular officer.

[1] Circular of the II. Department of the Ministry of Foreign Affairs, 4th December 1882, No. 11,055.

CHAPTER IX.—Stamp Duties on Petitions and other Documents.

§ 103. Stamp-duties on Petitions, &c.

Petitions to H.M. the Emperor of Russia must be addressed to the Imperial Petition Committee at St. Petersburg. They need not be written in the Russian language nor be accompanied by stamps, and the signatures of the petitioners do not require to be legalised by Consular Officers. All other petitions to Imperial Russian authorities must be drawn up in the Russian language and accompanied by two stamps of 60 copecks each, one for the petition and the other for the answer.

The Regulations relating to stamp duties, of the 10th June 1900, provide that a stamp duty of 60 copecks for each sheet must be paid for (1) petitions, declarations, claims, answers, refutations and opinions addressed to Russian Governmental Administrative Authorities, to State Officials and commercial or ordinary law courts, by private persons or institutions in connection with their private affairs; (2) Copies accompanying such documents; (3) Copies of judgments or decisions or of other documents relating to law-suits; (4) Official extracts from current or completed affairs; (5) Certificates of various kinds, as for instance certificates of civil estate, of identity, &c. (6) Answers from Governmental Administrative Authorities, State Officials or commercial or ordinary law courts.[1]

The aforesaid documents are free from stamp duty when addressed to Russian Embassies, Legations or Consular Offices, while documents issued by them are charged the fees according to the Consular tariff. If, however, documents are presented to Embassies, Legations or Consular Offices which must be sent by them to Governmental Institutions, State Officials or law courts in the Russian Empire, the corresponding stamps must be affixed to these documents.[2]

Petitions with complaints against Russian customs authorities must be addressed to the Customs Department of the Russian Ministry of Finance; against Russian Elective Consular Officers to the State Consul to whom they are subordinate, and against State Consuls to the II. Department of the Russian Ministry of Foreign Affairs.

Regulations relating to Stamp Duties, Arts. 14 and 82.

[2] *Ibid.*, Art. 75.

CHAPTER X.—Protests of Bills of Exchange at Russian State Consulates.

§ 104. Protest of bills of exchange.

Russian State Consuls having the same powers as Russian Notaries Public, bills of exchange payable by Russian subjects may be protested by Russian State Consuls, who, in doing so, must observe the following provisions of the Russian Regulations as to bills of exchange of the 27th May 1902.

Bills of exchange given in Russia must be written on Government stamp paper. Bills given abroad may be written on ordinary paper, Russian stamps being afterwards affixed to them.[1]

Bills of exchange must contain:—(1) The place and date. (2) Description of the document as a bill of exchange. If the bill is not written in Russian, the word corresponding to the Russian word for bill of exchange must be used. (3) The obligation of the giver of the bill to pay the amount mentioned in the bill. (4) The family name and firm of the person to whom the bill is given and who is to be designated as first holder of the bill. (5) Statement of the amount to be paid. (6) Statement of the term when payment is to be made. (7) Signature of the writer of the bill (Art. 3).

Bills of exchange payable at certain dates must be presented for payment at such dates or during the following two days, not counting holidays (Art. 41).

Sight bills, if they mention a certain time, can be presented for payment before that time. If they contain no mention of such time they must be presented for payment not later than 12 months after they are issued (Art. 42).

Bills of exchange must be presented for payment at the place indicated in the bill, or, if no place is indicated, at the business place or residence of the debtor (Art. 44).

The holder of a bill of exchange can only demand payment in currency which is legal tender. Bills of exchange given abroad and in foreign currency, but payable in Russia, and bills given in Russia and payable abroad, if presented for payment in Russia, must be liquidated in Russian currency at the rate of exchange stipulated in the bill. If no rate of exchange is mentioned in the bill payment is made according to the current rate and in accordance with the rules for calculating such rate which obtain at the place of payment, or at the nearest commercial exchange. In such cases the rate of exchange of the preceding day, not counting holidays, is taken (Art. 46).

If the bill is not paid when presented it should be protested, in order to retain its validity as a bill of exchange (Art. 48).

The bill must be protested before a Notary Public, if in Russia, or before a Russian State Consul, if abroad, before the expiration of the times indicated above. The Consul must present the bill

[1] Goriainoff, Consular Guide, page 551.

for payment on the same day when it is placed in his hands and if not paid by 3 p.m. the following day, the bill must be protested, the protest being entered in the Consular books and an endorsement to the same effect made on the bill itself. This endorsement of the bill constitutes the actual protest, but in order to give it legal force a special document requires to be executed (Art. 68) not later than the day after protest is noted. It must contain (1) a copy of the bill, with all signatures, inscriptions and endorsements thereon: (2) the name and description of the person noting the protest and of the person against whom the protest is made; (3) a declaration that the bill was presented to the drawee by the Consul or, if not, that, for reasons given, it was not possible to do so; (4) the answer given to the demand for payment, or a statement to that effect if no answer was made; (5) the place and date of presentation of the bill or when it was found impossible to present it; (6) the date of the bill; (7) signature and seal of the Consul or of the person acting for him (Art. 69).

The deed of protest must be entered by the State Consul word for word in the Consular books, the amount of Consular fees being inscribed on the document itself. It is then delivered to the person by whom protest was demanded. On the bill itself the Consul must state when the deed of protest was drawn up and indicate the number of the entry in the Consular book (Art. 70).

The right of foreigners to undertake liabilities on bills of exchange is decided in accordance with the laws of the State to which they belong. A foreigner who does not possess such right in his own country is nevertheless responsible for bills signed by him in Russia, unless the laws of his state expressly prohibit his undertaking liabilities by signing bills (Art. 82).

As regards the form to be observed in drawing up and in signing bills of exchange, such form is regulated by the laws of the country where the bill is given. If, however, a bill drawn up abroad by a Russian or a foreigner, or the inscriptions made on such bill abroad, are in accordance with the Russian Regulations as to bills of exchange, the fact that they are not in accordance with foreign laws cannot serve as ground for contesting the validity in Russia of the bill or of inscriptions made upon it (Art. 83).

All other formalities necessary in order to safeguard the rights of persons holding bills of exchange, must be performed in accordance with local law (Art. 84).

CHAPTER XI.—CERTIFICATES RELATING TO RUSSIAN STATE LOANS.

§ 105. Certificates relating to Russian State Loans.

ANY person whose name is entered on the Government loan-books, and who holds the corresponding bond, is at liberty to transfer such bond to another person, either by endorsement on the bond itself or by a testamentary bequest.[1] The person so receiving a loan-bond is at liberty to transfer it to someone else, and so forth.[2] If the person wishing to transfer a bond resides abroad, he must make a declaration before a Russian Consul to that effect. The signature to the declaration must be certified by the Consul, and both the declaration and the bond sent by post direct to the Amortisation Commission of Imperial Government Loans, at St. Petersburg.[3]

In the event of the loss of a bond abroad, the owner of the bond should apply, without delay, to the competent local authorities, informing them of the loss and giving full particulars of the name of the person to whom the bond was made out, the value, the loan to which it relates, and the number of the issue, and requesting a certificate in duplicate of such notification of loss. Of these certificates one must be sent to the Commission at St. Petersburg, and the other to the Russian State Consul of the district in which the owner of the lost bond resides, in order to acquaint him with the loss. The Consul must make a separate report to the Commission, refusing to legalise, certify or attest any documents relating to the bond that may be presented to him.[4]

If, after the loss of the bond has been advertised, it is produced, either to the Commission or to the Consul, a receipt must be given to the person producing it, the bond itself being retained. The owner and, if it is produced at a Consulate, the Commission, are advised of its recovery.

Interest on perpetual personal bonds without coupons is paid against receipts of the holders of such bonds, or their attorneys, on production of the bonds, while interest on bonds which have coupons is paid on production of the coupons.[6]

Foreign bondholders are entitled to receive interest without producing the identical bonds, either on their powers of attorney or against transfer notes from the Consul-General at Amsterdam, which are given by him on production of the bonds on the basis of special instructions from the Amortisation Commission.[7]

Model of Transfer Note from the Governor-General of Amsterdam.

Consulat-Général de Russie dans le royaume des Pays-Bas.....

L'an ..... le ..... du mois .....

Monsieur ..... ayant présenté au soussigné .....

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[1] Code of Reg. relating to Credit and Loans, Section II., Art. 89.
[2] *Ibid.*, Art. 63.
[3] *Ibid.*, Art. 98.
[4] *Ibid.*, Art. 131.
[5] *Ibid.*, Art. 135.
[6] *Ibid.*, Art. 142.
[7] *Ibid.*, Art. 142.

billets de la commission d'amortissement inscrits au nom de Monsieur..... et cédés en blanc portant les numéros ....pour la somme ....., je dis..... .....roubles, il plaira à la dite commission de payer au porteur du présent certificat munit de l'endossement de Monsieur.....la somme de .....je dis.....roubles, montant de la rente depuis le..... ..... jusqu'au..... . En foi de quoi j'ai délivré le présent certificat qui doit être présenté à la commission d'amortissement à St. Petersbourg. Amsterdam, le..... Le Consul Général de Russie.

These transfer notes are certified by the Consulate free of charge.

When transferring a personal bond, the Consul-General makes the following endorsement thereon :—

Le présent billet et cédé à..... . The signature of the person making the transfer is legalised by the Consulate, and the fee of 3 Rs. is charged, in accordance with Article 9 of the Consular Tariff.

The owner of a Government 4 per cent. perpetual interest-bearing personal bond may transfer such bond to another person by means of an endorsement to the following effect on the bond itself: "The present bond is ceded to....." (date and signature).[1] The endorsement must be certified, if in Russia, by a local court of law or Notary Public, and, if abroad, by a Russian State-Consular Officer. If the owner of the bond, or his attorney, is a stranger to the place and to the person attesting the transfer, they must present certificates of identity. These are issued to persons in the Government service by their official superiors and to private individuals by the local civic or country police authorities.

CHAPTER XII.—CERTIFICATES FOR PENSIONS OF RUSSIAN SUBJECTS ABROAD.

§ 106. Certificates for pensions of Russian subjects.

RUSSIAN subjects residing abroad who are entitled to receive Russian State pensions, must send to the person whom they appoint to receive their pensions in Russia, a power of attorney legalised free of charge by a Russian State Consul, according to the note to Art. 9 of the Russian Consular Tariff, together with a special certificate issued by the said Consular officer in Russian, in the following terms :—"The Consul at . . . . . hereby certifies that the pensioner is alive, has produced a valid passport issued at (place and date of issue), and that, so far as the Consul knows, the conditions under which the right to receive the pension ceases, mentioned in Part IV. of the Regulations as to Pensions, Edition

[1] Code of Reg. relating to Credit and Loans, Section II., Art. 36.

of 1896, are not applicable to him and that he has not, therefore, lost the right to receive the pension."

The above-mentioned Part IV. of the Regulations as to Pensions given by the Russian State, comprises Arts. 242 and 250 of Vol. III. of the Svod Zakonov, and is as follows:—

The payment of the pension ceases:

1. If the pensioner is reinstated in the service of the State;
2. If the pensioner enters the active service of a Foreign Government without the authorisation of the Russian Government;
3. If the pensioner takes Holy Orders;
4. If the pensioner remains abroad more than five years, reckoning from the date of issue of his passport.

Persons who reside abroad on State service, or who have been authorised by Special Decree of His Majesty the Emperor to receive their pensions abroad, are exempt from these requirements.

The payment of a pension to a widow ceases:[1]

1. On her death;
2. On her re-marriage;
3. On her entering a convent;
4. If she is condemned by the decision of a court of law to a penalty which involves the loss of her pension;
5. If she remains abroad for more than five years, reckoning from the date of issue of her passport, unless she has been authorised by Special Decree of the Emperor to receive her pension abroad.

Pensions granted to widows and children, not on the foundation of the Regulations as to pensions but by special order of His Majesty, cease in accordance with special rules.

The payment of a pension to a son ceases:[2]

1. If he dies;
2. If he enters a public establishment and is kept there at the cost of the Crown;
3. If he enters the State service;
4. When he attains the age of 17;
5. If he remains abroad longer than the term for which he has obtained permission, unless he has been authorised by Special Decree of the Emperor to receive his pension abroad.

The payment of a pension to a daughter ceases:[3]

1. If she dies;
2. If she enters a public establishment and is kept there at the cost of the Crown;

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[1] Reg. as to pensions, Art. 231. [2] *Ibid.*, Art. 233.
[3] *Ibid.*, Art. 235.

3. If she marries;
4. When she attains the age of 21 years;
5. If she remains abroad longer than the term for which she has obtained permission, unless she has been authorised by Special Decree of the Emperor to receive her pension abroad.

If pensioners apply to Elective Consular Officers, it must be ascertained that they are not liable to lose their pensions on any of the grounds mentioned above. The Consular Officer must inform the State Consul to whom he is subordinate of the application, and must send the pensioner's passport, his power of attorney in duplicate, ¼ per cent. of the amount to be received by him (according to Art. 4 of the Consular Tariff) and postage.

Consuls are forbidden to hand over to the heirs of deceased Russian pensioners any pensions or other monetary assistance due to them, without the special authorisation of the **Osobennaya Kantselaria po Kreditnoi Chasti** of the Ministry of Finance.

If the above-named Government office should send remittances to a Consulate for the purpose of being handed over to State pensioners, the recipients must each time furnish the respective Consulate with sufficient proof (by means of passports, &c.) that they have not since forfeited the right to receive pensions, and the Consulates must give particulars to the Government office of the proofs that have been submitted to them.[1]

[1] Annexe to the Circular of the II. Department of the Russian Ministry of Foreign Affairs of the 26th July 1902, No. 8,033.

PART V.

Assistance to Russian Subjects.

CHAPTER I.—General.

§ 107. Consular Assistance to Russian Subjects.

The duties of the Consul, besides those enumerated in separate paragraphs as under, comprise in general protection and assistance of any Russian subject, whether in his Consular district or not. The Consul must help any Russian subject in any legitimate aims as far as they appertain to his sphere of Consular activity. He will assist him in difficulties and defend him against attacks on his rights whether conferred by special State-conventions or by the local law. However, whilst assisting individual Russian subjects the Consul must not overlook his official position. A favour which he might obtain for an individual might prevent him on another occasion from displaying sufficient energy before the local authorities and might also injuriously affect his position. For instance, in the case of Russian subjects seeking work he must confine his action to giving information about places where they may occasionally find work, and should not give them letters of recommendation, for by so doing he undertakes too much personal responsibility. The Consular Regulations and Circulars of the Ministry of Foreign Affairs make it the duty of Consular Officers to give all the assistance and co-operation in their power to Russian subjects appealing to them for advice, support, or assistance. However, only Consular experience is able to determine precisely of what nature such assistance should be. The following examples taken from Consular practice will show in what cases the Consul should or should not give assistance. There are people who look upon the Consul as an agent, commissioner and gratuitous solicitor for every private person, without recognising that he is an employee of the State, who must in all his actions uphold the dignity of his office and of his Government, and who cannot act as a private person. The Consul cannot be required to interfere personally in quarrels between Russians and local subjects, because the latter would not recognise his authority, and he would expose himself to treatment unworthy of his position. A Russian State Consul at Naples was earnestly requested by the widow of a Russian Privy Councillor to interfere energetically on her behalf with the proprietor of the house in which she had taken a flat, in order that the chimneys, which unfortunately had not sufficient draught and smoked, should be put in order. The same Consul was asked by a Russian student at Berlin to remonstrate with his landlady who claimed

payment for a table-cloth in which the unhappy youth had burned a hole with his cigarettes. Another Russian subject at Berlin rushed to the same official complaining of a railway servant who had stopped him at the exit of the platform because he had lost his ticket and could not produce it. It was at Berlin too that the Russian Consul was sent for to express, on behalf of two Russian ladies who were staying at the sanatorium of a famous local physician, their dissatisfaction with the manners of the manageress of the institution. On all such and similar occasions the Consul is entitled to make it delicately understood that the applicant should apply to a local solicitor or to the local courts of justice if there be no prospect of an amicable settlement of the dispute. In 90 out of every 100 cases in which Russians travelling abroad are concerned in petty quarrels, their personal and national dignity would not suffer if they desisted from applying to the Consul, but recognised the simple fact that they must comply with the order of things peculiar to the particular foreign country in which they are temporarily sojourning. This may be pointed out to them by the Consular Officer.

The Consul is not a banker, and has no facilities for exchanging the coin of one country for that of another, nor can he advance money. The Consuls-General at London, Paris, Berlin and Vienna can send necessitous Russian subjects at the cost of the Russian Government to the Russian frontier, and the same is done with destitute or shipwrecked Russian and Finnish sailors by all Russian Consular Officers residing at ports.[1] For the rest, Consuls have not the power to give monetary assistance to the needy; if they do so, it is on their own personal initiative and out of charity, and such assistance cannot be demanded from them as a right.

The protection afforded by the Consular Officer to Russian subjects may sometimes be in the nature of friendly services, and in this respect very much can be done, provided that the Consular Officer does not mind trouble and is prepared to employ all available resources which circumstances or his personal relations may place at his disposal. In such cases the action to be taken by the Consul will necessarily vary according to the circumstances of the particular case. It is impossible to establish a general rule, but it will be useful to mention some cases in which it was advisable that Consular intervention of a friendly nature should be undertaken, and in which the result was successful. A Russian Pole, B., had the misfortune to be knocked down in the streets of Newcastle by the careless driver of an omnibus. He was severely injured and compelled to remain in hospital for several weeks. On his recovery he decided to lodge a claim for damages against the proprietor of the omnibus, but being destitute of money he was unable to find a solicitor willing to represent him at the court of justice otherwise than on payment of his fees in advance.

[1] The cases of sailors and emigrants returning to Russia are treated separately, under headings "Sailors" and "Emigrants" respectively.

When this came to the knowledge of the Consul he sent the man in question to a solicitor known to the Consulate, requesting the latter to give his opinion as to whether the case was likely to be won. The solicitor's reply was in the affirmative, and the Consul entrusted him with the conduct of the affair, giving his guarantee that the fees would be paid. At the same time the Consul took care to let the proprietor of the omnibus know that the claimant had his assistance and strong support. This had the happy result of bringing the case to a settlement without a lawsuit, the proprietor of the omnibus consenting to pay claimant £55 as damages, a sum which constituted a small fortune to the utterly destitute man. Another case of friendly assistance occurred at Glasgow, where the Commissioner-General of the Russian Section of the International Exhibition of 1901 at that town found himself, while liquidating the affairs of the section, in a very difficult situation, owing to the legal arrest of the Russian pavilions at the Exhibition in consequence of a lawsuit brought against him. The State Consul of the Consular district to which Glasgow belongs came to his assistance by a declaration to the local authorities to the effect that the pavilions could not be arrested on a claim brought against the Commissioner-General, as they were the property of the Russian Government by whom they had been erected, and that he, as the local Representative of the Russian Government, intended to sell them by public auction. This step was recognised as legal by the local authorities, and the liquidation of the Russian section could be proceeded with without further delay. As a third example of Consular protection afforded to Russian subjects, the case may be quoted of an unfortunate Russian sailor who murdered his sweetheart at North Shields on Tyne. The crime was committed in an access of well-founded jealousy, the man having been deceived in his honest intention of marrying the girl, and strongly provoked by the theft of his money, which was to have enabled him to get married. He was condemned to death; the jury, under the influence of the strong speech delivered by the judge, not even recognising any extenuating circumstances in the case. After the trial the Consul had an interview with the judge, placed before him the reasons why in his opinion the condemned man was deserving of mercy, and was so fortunate as to persuade his lordship to recommend the condemned man to the Home Secretary for reprieve. In addition to this, on the initiative of the Consul, a petition for a reprieve was addressed to the Home Secretary and signed by thousands of persons, the case of the unfortunate man having aroused a great feeling of sympathy in the community. The result of these steps was that the sentence of death was commuted to one of imprisonment "during His Majesty's pleasure."

The Consul must of course take special care to render assistance to his colleagues, and in doing so it is sometimes necessary to take steps of a personal character. Thus the Consul at Newcastle-on-Tyne was informed by the Consul-General in London that a

Russian Jew at Glasgow was in possession of an imitation of the official seal of the Russian Consulate-General in London. A detective was instructed to investigate the matter, but failed to discover anything. The Consul then saw the Jew himself, and on informing him that he was well aware of the existence of the spurious seal, he found out that the Jew had in fact received the imitation of the consular seal and sent it abroad.

It is for the Consular Officer to decide, on each individual occasion, whether his intervention in favour of Russian subjects is advisable, and if so what form it should take. In case of doubt an Elective Consular Officer will find it necessary to apply for special instructions to the State Consul to whom he is subordinate.

Russian Consular Officers cannot be strongly enough recommended to be obliging towards all Russian subjects who may apply to them, and in the conduct of Consular affairs to exercise the utmost civility and geniality. This line of conduct will be found to be the safest as avoiding the possibility of misunderstandings and complaints to headquarters, and will at the same time secure the best results to the Consular Officer's endeavours.

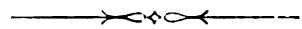
CHAPTER II.—INFORMATION TO RUSSIAN SUBJECTS.

§ 108. Consular Information to Russian Subjects.

CONSULAR Officers are required to give information to all Russian subjects applying to them, whether they reside in their Consular district or not, on all subjects relating to business and, in particular, on matters of trade and shipping, either from their own knowledge and experience or by making inquiries of the local authorities, merchants, and others. They are also required to supply information as to commercial matters in their districts, and to give their views as to the expediency of establishing direct business relations between Russian firms and those of their Consular districts. If the opinion entertained by a Consular Officer is not favourable to local trade, or if he is unable to speak highly of the financial conditions of local tradespeople, he is recommended to exercise every caution in giving his opinion, as he may risk prejudicing his official position without doing any service to the person interrogating him. In like manner, Consular Officers should be cautious when giving information about individuals, or the solvency or credit of firms, as he is unable to assure himself against the indiscreet or compromising use of such information, while taking all the responsibility which the expression of such opinions carries with it. If the Consular Officer prefers to withhold the required information altogether, he can supply the enquirer with the name and address of a firm in his district qualified and willing to supply it. When giving information himself, he should do so conscientiously and to the best of his knowledge. He should, on every occasion, stipulate

that he assumes no responsibility for the opinion expressed. If requested to name a business firm dealing in certain articles or prosecuting a given business with a view to establishing trade relations with that firm, it is advisable for the Consul to give several addresses. Any expenses incurred in procuring the information must be paid, in advance, by the person making the application, the Consular Officer giving him a voucher.

Requests for information, when made by persons who are not Russian subjects, need only be attended to by the Consul if they relate to bussiness matters between the questioners and Russia. Speaking generally, the duties of a Russian Consular Officer are confined to watching the interests of Russia and of Russian subjects. When enquiries are addressed to him, therefore, which only affect foreign interests, he should refer the persons making them to their own Governments, or to the representatives of those Governments in Russia. In the case, for instance, of a Russian subject residing in Russia owing money to a person residing in England, his creditor should address himself for information and assistance, not to the Russian Consular Officer, but to the proper British Consul in Russia.



CHAPTER III.—Birth of Russian Subjects Abroad.

§ 109. Birth of Russian Subjects Abroad.

If a Russian subject gives birth to a child abroad, it must, if either of the parents belongs to the Greek Orthodox Church, be baptised according to the rites of that church. If the parents belong to any other Christian faith, they may arrange for the child to be baptised into any church they like, provided it is a Christian Church. Persons of the Jewish persuasion are required to have the child admitted to the Jewish community by a Jewish rabbi. The certificate of the particular minister of religion, certified by a competent local authority, must be produced before the State Consular Official of the district, for legalisation, and the name of the child, if legitamate, is entered in the father's passport. This constitutes the child a Russian subject. In the case of an illegitimate birth, the child's name is entered in the mother's passport ("*mater semper certa est*").[1]

In all other matters, as, for instance, registration, &c., the local laws must be obeyed.

Elective Consular Officers are required to refer all cases of this nature to the State Consuls to whom they are subordinate.

In the case of a child born to a Russian subject while on board ship, the captain of the vessel is required to report the event to the

[1] There are, however, no regulations as to this matter in the Russian legislation.

Consul at the first port of call, who must in turn report to the II. Department of the Ministry of Foreign Affairs. The same applies to information received by a Russian Consular Officer of the birth of a child to a Russian subject on board of a foreign ship.[1]

Children resulting from the civil marriage only of Russian subjects are considered to be illegitimate in Russia and cannot be entered in their father's passports even though the parents should, subsequently, go through the religious ceremony, as the Consul is not competent to recognise the legitimacy of such children "*per subsequens matrimonium.*"

CHAPTER IV.—Marriage of Russian Subjects Abroad.

§ 110. Marriage must be celebrated according to Religious rites.

Marriages of Russian subjects, or of Russian subjects with foreigners, are valid in Russian law if they are solemnised according to the religious rites of the faith to which the parties belong.[2] The existence of impediments in given cases is, therefore, a matter to be decided by the ecclesiastical or consistorial authorities. When application is made to a Consular Officer for information or advice in regard to a proposed marriage contract he is at liberty to certify in writing that marriages which fulfil the conditions stated above, *i.e.*, that are in conformity with the religious requirements of the faiths to which the parties belong, are recognised in Russia as lawful and valid. At the same time, a Russian subject is under obligation to observe the laws of his own country even while he is abroad. A marriage, therefore, which is contracted by a Russian subject *in fraudem legis*, *i.e.*, in opposition to the laws of his native country, cannot be recognised as valid in Russia. It is, therefore, important that Russian Consular Officers should be able to supply all persons applying to them with correct and adequate information as to the legal requirements in respect of marriage according to Russian law.

§ 111. Marriage must be in accordance with National Law of the husband.

§ 112. The Russian Civil Laws as to Marriage.

The Russian Code of Civil Law contains the following provisions, according to which, in the case of marriage of Russian subjects, it is required:—

1. That neither of the parties be a member of any monastic order or be consecrated to any priestly or diaconal office.[3]

2. That the bridegroom be not under 18 and the bride not under 16,[4] and that neither of them be over 80 years of age.[5]

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[1] Cons. Reg., Art. 91.

[2] Code of laws relating to the Civil Estates, ed., 1893, Art. 1103.

[3] Code of Civil Law, Ed. 1900, Art. 2. [4] *Ibid.*, Art. 3. [5] *Ibid.*, Art. 4.

3. That neither of the parties be either insane or of weak mind.

4. That the marriage be contracted with the consent of the parents, guardians or trustees of the parties.[2]

5. That individuals in the employ of the State, whether civil or military, possess the written sanction of their superiors.[3]

6. That the marriage be contracted with the mutual and independent consent of both parties.[4]

7. That neither of the parties has been married before, unless he or she be legally divorced.[5]

8. That neither of the parties has been previously more than twice married.[6]

9. That the parties be not related to each other by any of the bonds of consanguinity, affinity, or any tie of spiritual relationship constituting an obstacle to marriage according to the laws of the church.

§ 113. Mixed Marriages.

If the contracting parties are members of the same religious community the marriage ceremony must be performed according to the ritual of their particular creed.[7] If either of the parties to the marriage belongs to the Greek Orthodox Church, the ceremony must be performed according to the rites of that church, although the parties are not forbidden to further celebrate the marriage in a church or chapel of another Christian faith.[8] If the contracting parties belong to any Christian body other than the Greek Orthodox Church, they are at liberty to have their marriage celebrated in any Christian church they may select.[9] Russian subjects of the Greek Orthodox and the Roman Catholic faiths are forbidden to marry non-Christians, and Russian subjects of the Protestant faith to marry pagans.[10] Marriages of Russian subjects of the Protestant faith with Jews or Mahomedans are concluded in accordance with the Regulations of the Evangelical Lutheran Church in Russia.[11] Persons of the Jewish faith must be married by a Jewish rabbi.

According to Russian law the children of parents one or both of whom are of the Greek Orthodox faith, must be baptised into the Greek Orthodox Church and brought up in that faith. This, however, only applies to Russian subjects.

§ 114. Marriage Laws of Finland.

In the case of marriages in **Finland** between persons of different Christian faiths, including members of the Greek Orthodox Church if permanently settled in the Grand Duchy, the religious ceremony must be performed in accordance with the rites of both churches, and the children of such a marriage must be brought up in the faith of the father. Special arrangements to any other effect between

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[1] Code of Civil Law, Ed. 1900, Art. 5. [2] *Ibid.*, Art. 6. [3] *Ibid.*, Art. 9.
[4] *Ibid.*, Art. 12. [5] *Ibid.*, Art. 20. [6] *Ibid.*, Art. 21.
[7] Code of laws relating to the Civil Estates, Arts. 61 and 65.
[8] *Ibid.*, Art. 67. [9] *Ibid.*, Art. 75. [10] *Ibid.*, Art. 85.
[11] *Ibid.*, Art. 87; Reg. relating to Foreign Faiths, Art. 210.

the parties are prohibited.[1] According to the General Regulations of Finland,[2] a man desiring to wed a woman to whom he is betrothed, must acquaint the father of his fiancée with his intention six weeks before the date fixed for the marriage. In addition the parties must be "called" in the parish church to which the bride belongs for three consecutive Sundays. Men are not permitted to marry before the age of 21 and women before the age of 15.[3] A Finnish maiden may, on attaining her 21st year, marry without the consent of her parents.[4]

§ 115. Marriage Laws of Poland.

In **Poland** the Regulations as to marriage contracts are embodied in the Imperial Russian Law of the 16th/28th March 1836. These Regulations prescribe that marriages must be announced by the publication of banns in the churches of the parishes to which the parties belong. Jewish marriages must be solemnised by a lawfully competent rabbi, the marriage being afterwards recorded in the books of a local official registrar, from whom a certificate of the marriage may be procured. Persons are not allowed to marry under the age of 21 without the consent either of the father or, if he is dead, of the mother, or, if she is dead, of the guardians or trustees.

According to a universally admitted principle of international law, every marriage, if contracted in accordance with the laws of the country in which it takes place, is recognised as legally valid, whatever the nationality of the contracting parties, provided that the national law of the husband is observed. Russian subjects, however, are at no time liberated from the obligation to obey the provisions of their national law. Thus, Russian law does not recognise, for her subjects, the validity of civil marriages contracted abroad, for the reason that such marriages cannot be contracted within the Empire. If a foreign lady is married to a Russian she acquires Russian nationality by doing so, and must, therefore, be married in accordance with the rites and ceremonies of the respective church or synagogue. On the other hand, a Russian lady who marries a foreigner loses her nationality and adopts that of her husband, but the marriage is only valid if the national laws of the foreigner to whom she is married have been observed.

§ 116. Marriages with Frenchmen.

If, for instance, a Russian lady marries a Frenchman, it is not sufficient for them to be married in the church of her faith, they must also be married before a French civil authority, so that their marriage may be recognised by the French State. Russian ladies must therefore be careful that, in marrying foreigners, the national law of the husband is strictly observed, otherwise they expose themselves to great misfortunes. An example will explain this. A Frenchman who was married some years ago to a Russian lady in a Greek Catholic Church, applied to a Russian Consulate for a

[1] Russian Code of Civil Laws, Art. 68.
[2] Section relating to marriages, Ch. VII., Arts. 1 and 2.
[3] *Ibid.*, Ch. 1, Art. 6. [4] Finnish Law of the 31st October 1864.

Russian passport for his wife, who desired to go to Russia. The Consul declined to give it because the wife, according to Russian law, had contracted a legal marriage and was, therefore, no longer a Russian subject. The Frenchman replied that the French Consul, to whom he had already made application, had refused to give a passport because he had not gone through the form of civil marriage, which, according to French law, is compulsory. It appeared, therefore, that the lady could not obtain a Russian passport because she was no longer of Russian nationality, and at the same time had not acquired her husband's nationality, because, according to French law, she was not legally married. The only way out of the dilemma was for the couple to have a civil marriage performed before the French Consul.

In order to acquire legal validity in Russia, marriage certificates issued by Christian priests or Jewish rabbis abroad require to be attested by the local authorities, who must state in their attestation that the signatures to such certificates are those of duly ordained priests or authorised rabbis, after which the documents must be produced before the local State Consul for legalisation. In legalising such documents, the Consul does not assume any responsibility for the validity of the marriage from the point of view of Russian law. An example will best explain this. In 1903, the Russian Consulate-General at London legalised a certificate of marriage issued by a Roman Catholic priest at Edinburgh who had performed the ceremony of marriage of a Russian Pole to a Russian lady who was a minor, 16 years of age, without the consent of her parents or the sanction of the Roman Catholic Church of Poland. Although this marriage was contrary to Russian law, and could not be recognised as valid, the II. Department of the Russian Ministry of Foreign Affairs expressly decided that the Consul-General at London was not entitled to refuse to legalise the document in question, as the marriage had been effected in accordance with local law and by the proper local authorities.

The Consul must enter the wife's name in the husband's passport, but this can only be done if the parties have been married according to the rites of the respective church or religious community.[1] A Russian lady contracting a civil marriage with a foreigner abroad, retains her Russian nationality, although she becomes a subject of the State to which her husband belongs. If a lady so married present a foreign passport granted to her by the foreign State on the strength of such civil marriage, Russian State Consuls must grant the visa. At the same time the lady in question would be able to travel to Russia on her old Russian passport if she preferred to do so. As a matter of fact, as Russia does not recognise the validity of civil marriages in the case of her own subjects, the person contracting a marriage of this character

[1] Circular of the II. Department of the Ministry of Foreign Affairs, 25th February 1889. N. $\frac{1384}{304}$.

remains a Russian subject as long as the ceremony is not performed by the proper religious authority.

§ 117. Marriage Laws of Finland.

In **Finland** the civil marriages of natives who do not belong to the Greek Orthodox Church, if contracted abroad, are recognised as valid.[1]

If both parties are Russian subjects, the bride's passport, after her name has been duly entered in that of her husband by the State Consul, is taken from her and returned to the Russian authority by whom it was issued.

§ 118. Marriages must be in accordance with local law.

The marriage of Russian subjects abroad must be performed in accordance with local laws on the principle *locus regit actum.* The opinion, which is not uncommon, that a marriage which takes place at a Russian Embassy Church is to be considered as having been performed on Russian territory and is, therefore, independent of local laws, is erroneous. In the case of marriages celebrated at the churches attached to the Embassies at Berlin, Vienna, Rome and Paris, in fact, a certificate is required from the local registrar, to the effect that the civil marriage has been performed in accordance with local law. This is not necessary at the Embassy Church in London.

§ 119. Marriages at Russian Embassies.

In order to be married at an Embassay Church the following documents must be produced :—

1. Certificates of birth and baptism of both parties ;

2. Consent of the parents or guardians if either party is a minor ;

3. Evidence of the publication of the banns of marriage in the church of the parish where the parties live.

§ 120. Civil Marriages in Germany.

In **Germany,** civil marriage is prohibited in the following cases :—

1. If either party is acting under compulsion ;

2. If either party is under any disability ;

3. If the parties are brother and sister or step-brother and sister, or trustee and ward.

If the bride is under 24 years of age and the bridegroom under 25, special permission of the parents is required. Two witnesses of major age (*i.e.*, over 21) must be present at the civil marriage.

In **Prussia,** according to the law of the 13th March 1854, a foreigner who marries a Prussian subject, or another foreigner, within Prussian territory must, in addition to complying with the other formalities, produce a certificate stating that according to the national laws of the parties they are entitled to marry abroad, or have received special permission from their authorities to do so. As Russian subjects are usually not able to get such certificates without great loss of time, they should petition the Ministers of Education (Cultus Minister), of the Interior, and of Justice, for a

[1] Finnish Law, 24th January 1817.

"dispensation" from the obligation to produce this certificate, and for permission to contract the civil marriage. The "dispensation" is granted if the parties undertake to go through the religious form of marriage according to Russian laws. The purpose of these regulations of the Prussian authorities is to prevent the civil marriage of Russians in Prussia unless they are followed by valid marriages in accordance with Russian laws.

§ 121. Marriages of Russian Diplomatic and Consular Officers.

If a member of the Russian Diplomatic Service wishes to contract a marriage with a foreign lady, he is bound, not only to obtain permission to do so from his superiors, at the same time making a declaration as to the lady's dowry and her prospects of inheriting property at any future time, but he must also produce a written statement from the bride to the effect that it has been explained to her that, as the wife of a Russian diplomatic officer, she will be under the obligation to dispose of any real estate she may possess in any foreign country, and that in default of her doing so her husband will be obliged to leave the service.[1] Russian State Consular officers are required to obtain the consent of the Ministry of Foreign Affairs before they are at liberty to contract a marriage. This rule does not apply to Elective Consular Officers.

§ 122. Marriage does not involve the Common Ownership of Property.

The marriage contract does not involve the common ownership of any property belonging to the parties, either of whom may acquire property, after marriage, in which the other has no right.[2] A bride's dowry, and any other property she may acquire in her own right during her married life, whether by purchase, or deed of gift, or by inheritance or any other lawful means, are regarded by the law as her own private property.[3]

Any agreement or understanding between the parties to a marriage contract which provides for the separate residence of the parties, or in any way involves the suspension of conjugal relations, is prohibited by law. Officers of the Civil Service, including Consular Officers, are strictly forbidden to attest, or to countenance in any other way, deeds or agreements which contain such provisions.

CHAPTER V.—Divorce.

§ 123. Dissolution of Marriage according to the Laws of the Orthodox Church.

Marriages of Russian subjects can only be dissolved by the competent authorities of the Russian Empire. If either of the parties belongs to the Greek orthodox faith, the marriage can only be dissolved by the Holy Synod at St. Petersburg, in response to a petition to that effect, accompanied by the certificates of baptism and marriage of the parties.

[1] Code of Civil Laws, Art. 66. [2] *Ibid.* Art. 109.
[3] *Ibid.*, Art. 10.

According to the laws of the Orthodox Greek Church, marriages of members of that church can be annulled on the following grounds :—[1]

1. The presence of force, fraud or coercion in effecting the ceremony, or if one or other of the parties is insane or of weak mind;

2. The existence of consanguinity, affinity, or spiritual relationship between the parties;

3. Either party being already married;

4. Either party being divorced without permission to marry again;

5. If one or both of the parties are under marriageable age, more than 80 years old, or have already been married three times;

6. Either party being under vows, or holding diaconal or priestly office;

7. If one of the parties is a non-Christian.

The grounds for divorce according to the civil laws of Russia are as follows :—

1. Adultery.

A confession of adultery, however, is not taken into consideration unless it is supported by convincing collateral proof.[2]

2. Conjugal impotence.

A petition for dissolution of marriage on this ground cannot be brought if the impotence of either of the parties is not congenital or is of later date than the marriage.[3] Such petition cannot be presented earlier than three years after the marriage.

3. The sentence of either of the parties to a term of punishment involving the loss of all civil rights, or banishment to Siberia with the deprivation of all special rights and privileges, unless the other party is desirous of accompanying the exile voluntarily.

In the same manner, if both parties to a marriage contract are condemned to the forms of punishment referred to, they may petition for the dissolution of their marriage contract and permission to re-marry in accordance with the Rules and Regulations for Transported Convicts.[5]

4. Desertion.

If one or other of the parties absent himself or herself from their common place of residence and for five years or more give no sign of existence, the remaining party may petition his or her spiritual superior for the dissolution of their marriage and permission to contract a new one.[6] Wives of soldiers of the lower military orders whose husbands desert the service, or are reported missing, or are taken prisoner by the enemy, may, after the expiration of five years, if they fail to return, petition for the

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[1] Code of Civil Laws, Art. 37. [2] *Ibid.*, Arts. 45 & 47. [3] *Ibid.*, Art. 49
[4] *Ibid.*, Art. 48. [5] *Ibid.*, Art. 50. [6] *Ibid.*, Art. 54.

dissolution of their marriage. The petition must be accompanied by a certificate from the police giving the date of enlistment of the absent man and of his disappearance and stating that he has not since been heard of. These certificates are issued on the strength of information supplied to the police authorities by the commanders of the various army divisions.

The unauthorised rupture of a marriage contract, without the decision of a court of law and merely by mutual consent, is prohibited.

§ 124. Divorce of Persons of Protestant Religions.

If the parties belong to the Protestant faith, their marriage can be dissolved by the Consistorial Court to the jurisdiction of which the husband belongs, except in the case of a petition for divorce on the grounds of malignant desertion on the part of the husband, when the Consistorial Court to which the wife belongs has jurisdiction. Persons residing abroad must address petitions for divorce to one of the Russian Consistorial Courts, requesting to be admitted to its jurisdiction, or to the Russian Minister of the Interior, praying him to give special instructions to a Consistorial Court to take up the matter.

The legal grounds upon which dissolution of marriage is granted to Russian subjects of the Protestant Christian faith are stated in the Regulations of the Lutheran Evangelical Church in Russia (Svod Zakonov, vol. XI., part I., ed. 1896).

Divorce proceedings are usually very protracted.

§ 125. Nullification of Marriage according to the Laws of the Roman Catholic Church.

Divorce, properly so-called, is in no case allowed by the Roman Catholic Church, that is to say, it will never absolve the parties to a marriage from the *vinculum matrimonii* once it has been validly contracted. In those cases however, where, though a form of marriage may have been gone through, an impediment exists which, according to the law of the Church, prevents the marriage from being valid, the Church will sometimes grant a decree of nullity which is in fact a declaration that no valid marriage has been contracted. The principal grounds on which such a decree can be granted are: mistake; the existence of consanguinity or affinity between the parties; difference in religion; the presence of force or fraud in effecting the ceremony; either party being under vows or other ties, or being already married; if the ceremony has been clandestine; or if one or both parties are under the lawful age for marrying, or impotent, &c.

The impediment of clandestinity does not apply in countries where the decrees of the Council of Trent have not been promulgated.

The proofs required are very stringent and the proceedings generally costly. The suit must be brought in the Court of the Ordinary or in the Papal Court, which does not recognise the authority of any other tribunal to grant a decree of nullity. There being in Russia no such thing as civil divorce, the divorce

laws of each Russian subject are those of his own church; a Russian Roman Catholic, therefore, who desires to free himself from his marriage ties can only apply to the authorities of his religion, and, if possible, obtain a decree of nullity, which will be recognised as valid by the Russian courts.[1]

CHAPTER VI.—DECEASE OF RUSSIAN SUBJECTS ABROAD.

§ 126. Decease of Russian Subjects Abroad.

IN the event of the death of a Russian subject abroad, the Consul should only interfere in an official capacity if the deceased has left no dispositions as to trustees or guardians, or if such trustees or guardians are unavoidably absent. Elective Consuls are required to report all cases of death of Russian subjects occurring in their districts to the respective State Consul, who reports to the II. Department of the Ministry of Foreign Affairs, presenting the passport of the deceased and a certificate of his death from the Registrar duly legalised by the Consulate, and mentioning whether the deceased has appointed any trustee, executor, or guardian.

In the absence of such trustees, executors, or guardians, the Consul must take the necessary steps to insure the safety of the deceased's property, and to watch it as far as the laws of the country or the State treaties, where such exist, admit of his intervention. He must unite with the local authorities in the performance of all formalities prescribed by the local laws for such cases.[2] He must acquaint the next of kin or the heirs presumptive of the decease of their relative, and obtain their instructions as to the disposition of the body. If it is necessary to seal up the deceased's effects, the Consul must do so with the seal of the Consulate, while complying in all respects with local usages and laws and with existing State treaties.

§ 127. Sealing Deceased's Effects.

In all his dispositions the Consul must be careful to avoid any acts which, according to the laws of the country, might render him responsible for any debt or debts which the deceased may have contracted. When presenting his report the Consul must submit, in addition to the documents already enumerated, an inventory of the property left by the deceased, drawn up by himself, or a copy of such inventory, if drawn up by the local authorities.

[1] In addition to the impediments enumerated in the text, which are of sufficient importance to render a nullification of the marriage possible (direment impediments), there are others, which, while they can prevent the marriage, are insufficient to nullify it once celebrated. These are: marriage without the consent of the parents or guardians when the parties are of marriageable age, although still minors: marriages at prohibited times, such as Lent or Advent, and marriages contracted in face of the prohibition of the Church.

[2] Cons. Reg., Art. 75.

§ 128. Admission of the Heir to the succession.

If the heir to the property, or his attorney, present himself at the Consulate in order to assume possession of his inheritance, the Consul must deliver it to him on the production of a certificate stating that he has been officially admitted to the right of succession by the competent judicial authority. The attorney must, besides, produce a proper power of attorney in his favour from the heir.[1] The certificate just mentioned is granted by the Russian judicial authorities after the presentation of the death certificate and an inventory of deceased's estate, and, as it usually happens that several months must elapse before the heir is in a position to produce such a certificate, the Consul is at liberty to hand to him, on deposit and in trust, such of the deceased's belongings as are not of especial value, taking a detailed receipt from him in exchange. This receipt must be annexed to the Consul's report of the case.

§ 129. Inheritance Tax.

If the heirs of a deceased Russian subject are foreigners, the Consul does not require the production of the confirmation of their title as heirs from a Russian law court, but he can accept such confirmation from the foreign tribunal having jurisdiction.

In any case it is his duty to see that the amount of inheritance tax due to the Exchequer in Russia is duly paid.

Special care must be taken to ensure the safety of important documents relating to the estate, and they must be sent to the Ministry of Foreign Affairs with the Consul's report. Such are, for instance, documents proving that deceased was in receipt of a retiring pension, insurance policies, wills, &c.

§ 130. Wills of Deceased Russians.

If the will of the deceased was deposited with the Consul, he is required to forward it to the II. Department of the Ministry for Foreign Affairs, to be dealt with according to law. An exception is made to this rule when the carrying out of the provisions of the will does not affect the Russian authorities or any person residing in Russia, or when the testator, at the time of depositing the will, made a special provision, not opposed to existing laws, to that effect. Nevertheless, if the text of the will is entered in the Consular books, the Consul must, even in the two cases mentioned above, send a copy of it to the II. Department of the Russian Ministry of Foreign Affairs.

If the property consists either wholly or in part of articles of a perishable nature, or of goods the preservation of which would be too costly, the Consul must have them sold by public auction. Neither the Consul nor any employee of the Consulate is permitted to be a buyer at the sale.

§ 131. Inventory of Deceased's Effects.

If the deceased was a merchant, his business books must be accurately enumerated and described in the inventory, and a record made of the total number of pages in each book and the number of pages that are blank.[2]

While complying with the laws and usages of the country in which he has his official residence and with the existing State

[1] Cons. Reg., Art. 76. [2] Cons. Reg., Art. 75.

treaties with that country, the Consul is, on the strength of his official position, the lawful representative of the absent and, as yet, officially unknown heirs of the deceased, and as such he receives all claims directed against deceased's estate. He must only satisfy such of these claims as are legally indisputable. Consular Officers will be well advised to proceed with extreme caution in affairs of this kind, as they may, on the basis of Art. 1316, of the Code of Civil laws, be held responsible by the heirs of the deceased. The article in question entitles the interested parties to sue the Consul for damages occasioned by carelessness in the administration of a deceased person's property.

§ 132. Responsibility of Consular Officers in safeguarding Effects of Deceased Persons.

Property left by a foreigner in a particular state is not exempt from the observation of local formalities or from the usual taxes (legacy duty, &c.). On the other hand, in so far as the right of inheritance is concerned, personal property is only subject to the national laws of the deceased foreigner, while real property is subject to the local laws of inheritance. This general principle is not always carried out in practice and exemptions from the rule arising out of it have been created by separate State treaties.

§ 133. Great Britain, United States—Treaty as to Property of Deceased Persons.

In **Great Britain** and the **United States** any property left by Russian subjects is taken charge of and adjudged to the heirs by the local courts, in accordance with local laws and on the basis of Art. 10 of the treaty of commerce and shipping concluded between Russia and Great Britain on the 31st December 1858/12th January 1859, and with Art. 13 of the similar treaty between Russia and the United States of the 6th/18th December 1832. The former treaty contains no express stipulation that the adjudication of property left by deceased Russian subjects shall be carried out on the basis of local laws, but this is provided for, indirectly, by a clause in the same treaty, which is to the effect that Russian subjects may inherit property in Great Britain on the same conditions as all other foreign subjects and which means that they are on an equal footing with British subjects. The validity of wills of Russian subjects which relate to property left in Great Britain and the United States is specially recognised by the aforesaid treaties.

In 1901 an interesting precedent was created in the United States in connection with the refusal of a bank at New York to hand over, to the local Russian Consul-General, property left there by a deceased Russian subject. The Consul-General based his demand on the following considerations: according to Art. 10 of the Russo-American treaty of 1832, Russian subjects are entitled to inherit property left to them in the United States and, according to Art. 8 of the same treaty, Russian Consuls enjoy the same rights and privileges as the Consuls of the most favoured nations. Art. 8 of the Convention of 1871 between the States and Germany stipulates, that the German Consul shall have the right to apply to the local authorities with a view to safeguarding the rights and interests of his compatriots and that, in such affairs, he is their

lawful representative. In the treaty of friendship, commerce and shipping between the United States and the Republic of Costa Rica (Art. 8) it was established, that if a citizen of one of the contracting States die on the territory of the other, whether he leave a will or not, the Consul has the right of appointing trustees to the property left by his compatriot, in so far as it is in accordance with local law, in the interests of the heirs and creditors of the deceased, due notice being given to the authorities. Again, according to Art. 9 of the treaty of friendship, commerce and shipping concluded between the United States and the Argentine Republic, the Consul is entitled to take part in the control and liquidation by the authorities of any property left by a deceased compatriot, for the benefit of his heirs and creditors and in accordance with the laws of the land. On taking these considerations into account, the bank agreed to hand the property over to the Consul-General.[1]

As regards estate left by deceased Russian seamen in British territory, if such estate does not exceed fifty pounds, it is handed over, in accordance with the terms of the declaration concluded between Russia and Great Britain on the 9th August 1880, to the Russian Consul-General in London without the formalities generally required, in cases of death, by local law. This declaration provides that if a deceased Russian subject has served in the Royal Navy of Great Britain, any moneys which may be payable to him by the British Admiralty shall be dealt with according to the law of Great Britain. The term "seaman" includes every person (except masters and pilots) employed or engaged in any capacity on board of any merchant ship, or who has been so employed or engaged within six months before his death, and every person (not being a commissioned, warrant, or subordinate officer, or assistant engineer) borne on the books of, or forming part of the complement of, any public ship of war. The term "estate" includes all "property, wages due, money, and other effects" left by a deceased seaman on board a ship. The term "Consul" includes Consul-General, Consul, and Vice-Consul, and every person for the time being discharging the duties of Consul-General, Consul or Vice-Consul.

§ 134. Netherlands. Property of Deceased Russian Subjects.

In the **Netherlands** the treaty of commerce and shipping concluded with Russia on the 12th September 1846, provides (Art. 3) that Russian Consuls may "take temporary charge of all property left by Russian subjects, on the same conditions as, in an analogous case, would be observed in regard to property left by a native, until the lawful heir shall have taken the necessary steps to enter upon his inheritance." This means that the Consul is not entitled to interfere, the property being taken charge of and adjudged to the heirs by the local law courts.

By notes of the 16th July 1885, the 11th September 1885 and the 1st April 1886, from the Netherlands Minister of Foreign Affairs to

[1] Goriainoff: Consular Guide, pages 370, 371.

the Russian Ambassador at the Hague, the Netherlands Government proposed, without the condition of reciprocity on the part of the Russian Government, to deliver to Russian Consular Officers all estate, not exceeding 250 Gulden in value, left by Russian subjects serving in the Colonial army of the Dutch Colonies, or dying in those Colonies.

§ 135. **Switzerland.**

In **Switzerland**, Russian Consular Officers enjoy no special rights as to the administration of property left by deceased Russian subjects. The commercial convention concluded between Russia and Switzerland on the 14th/26th Deecember 1872, contains (Art. 4, § 1) the stipulation that Russian subjects be entitled to inherit property left to them by will or *ab intestato* on the same conditions as all other foreigners. Thus, the rights of succession of Russian subjects in Switzerland are determined by the local law courts and not by Russian tribunals.

§ 136. **China.**

In **China** the property left by a Russian subject is handed over to the Russian authorities according to Art. 4 of the treaty concluded with Russia on the 21st October 1727.

§ 137. **Turkey.**

In **Turkey** the property left by a Russian subject must be handed over to the executors of his will, or, if there is no will, to the Russian Consul, on deposit, in accordance with the treaty of commerce concluded with Russia on the 10th June 1783, Art. 52.

§ 138. **Persia.**

In **Persia** the real and personal estate left by a Russian subject is handed over to his relatives or friends, or, in their absence, to the Russian Consul, who assumes the administration of such property without the right of interference on the part of the local authorities, in accordance with the treaty with Russia of the 10th February 1828, Art. 1.

§ 139. **Greece.**

The treaty of commerce and navigation concluded between Russia and **Greece** on the 12th June 1850, states as follows (Art. 12, 13, and 14): "In cases of death of Russian subjects in Greece, the Consuls, Vice-Consuls, and Consular Agents, or the Diplomatic Legations, have the right to make, with the competent local authorities, an inventory of all property left by the deceased; to seal, with their official seals, against the seals affixed by the local authorities, in a word, to take all necessary measures to preserve the integrity of the succession. They have the right, further, to fulfil, either *ex-officio* or on behalf of the parties interested, the duties of executors of the property of any Russian subject who dies intestate and without having appointed an executor or trustee, taking care, in the interests of the heirs, to advise the local authorities of the necessary formalities; to take possession of the property in their name, to liquidate or administer it either personally or by deputy, and to be responsible for all the actions of such deputy. In the event of disputes between the different parties having claims to the succession, they are to be decided, in the last instance, according to the laws and by the judges of the country in which the succession occurs. In the event of real estate situated

§§ 135, 136, 137, 138, 139

in Greece passing, according to the laws of the country, to a Russian subject, who, being a foreigner, is unable to retain possession of it, he is entitled to the respite fixed by the laws of the country, or, if no such period of respite is fixed by law, he may obtain special permission to sell such property within a certain time and to collect and send away the proceeds of same.

No additional or heavier duties will be charged in such cases of succession than are paid by Greek subjects. Russian subjects are, moreover, exempt from payment of the deductions made for the benefit of the Royal Treasury on inherited or other property belonging to foreigners and exported, or otherwise transferred, out of Greece.

§ 140. Austria. Germany, Italy, Spain, Sweden, Norway.

The treaty of commerce and navigation concluded between **Russia** and **Austria** on the 2nd/14th September 1860, stipulates (Art. 9) as follows: "In cases of death of Russian subjects in Austria at a place where, owing to the proximity of his place of residence, a Russian Consular Officer or Diplomatic Agent is in a position to render assistance in making an inventory of the effects and keeping them in security, the competent authorities will proceed to these formalities assisted by the said Consular Officer or Diplomatic Agent, who must cross the seals affixed by the local authority with his official seal and in conjunction with them, adopt all necessary measures in the interests of the heirs. The articles constituting the personal property of the deceased will, however, only be placed at the disposal of the Consular or Diplomatic Officer concerned, if he has a power of attorney from the heirs or legatees, or the general or special authorisation of his Government. It should, besides, be well understood, that this transfer of property can only take place when all the duties and expenses incurred have been paid. In cases when the estate consists either wholly or in part of real property, which, according to the laws of the country may not be possessed by the heirs, if foreigners, a sufficient respite will be allowed to the parties interested to enable them to dispose of the property in the most advantageous manner. In order to ensure that these stipulations are properly carried out, the local authorities must be careful to inform the Consular or Diplomatic officers of every case of death of a Russian subject which occurs in his Consular or Diplomatic district."

In amplification of the aforesaid treaty, a decree of the Austrian Ministry of Justice of the 13th February 1887, No. 2561, provides that the Austrian law courts are empowered to deal with the personal property left by deceased Russian subjects in Austria, in the same way as in the case of natives, while at the same time the decree declares that the provisions of Art. 19 of the treaty, as cited above, remain unaltered.

In more recent times, Russia has concluded more detailed and precise conventions with regard to property left by deceased Russian subjects. The terms of those concluded with **France** on the 20th March/1st April, 1874; with **Germany** on the 31st October/12th

November, 1874; with **Italy** on the 16th/28th April, 1875; with **Spain** on the 14th/26th June, 1876; and with **Sweden** and **Norway** on the 28th March/9th April, 1889, are nearly identical. According to these, the local authorities must notify to the Russian Consular Officer the death of a Russian subject, and *vice versa*. The official seals must be affixed to the belongings of deceased and an inventory be made by the Consul (Art. 1 and 2). The local authority hands over to the Russian Consul all movables and documents (Art. 4) and they remain in his hands on deposit during six months from the publication of the last notice by the local authorities of the opening of the succession, or, if no such publication has taken place, during eight months from the date of the death (Art. 5).

The Convention with **Sweden** and **Norway** differs from those with France, Germany, Italy and Spain in that the Russian Consul is not only allowed to advertise for the heirs of the deceased, but he is obliged to do so three times, inviting the creditors to make their claims against the estate in the terms prescribed by Art. 5 of the Convention. If the real or personal estate of a deceased Russian is left to a subject of the State where the death took place, the will can only be delivered to the Consular Officer after these legacies have been handed over to the legatees (Art. 4, § 52). On the other hand, if the will and legacies bequeathed by it to a Swedish subject are in the hands of the Consul, he must deliver them to the proper Swedish authorities, or to the persons entrusted to receive them (Art. 4, § 4).

The convention with **Spain** also contains a special stipulation, which is to the following effect (Art. 4, § 3): "If executors have been appointed by the deceased and there is no legal objection to their performing their duties as such, and if it be shown that there are no heirs under age, or absent, or who have no legal capacity, the Consular authority withdraws from participation in the further proceedings, leaving the executors to exercise their rights independently."

Private persons who have in their possession property belonging to the deceased's estate at the time of his death, must deliver it to the local authorities to enable them to hand over all the estate to the Consul, according to Art. 4 aforesaid. It frequently happens that hotel managers, proprietors of private hospitals, boarding-house keepers, and even solicitors, retain the property of deceased Russian subjects which is in their possession, under the false impression that they have power to do so in order that they may distribute it amongst the heirs of the deceased. In such cases the Russian Consul must apply for help to the local authorities, basing his claim on Art. 4 of the Convention. The Consul has a particular interest in seeing that all the estate of the deceased is handed over to him, because he is responsible to the lawful heirs of the deceased, according to Art. 80 of the Russian Consular Regulations, for all loss or damage occasioned by his want of due

care and diligence. The Consul has also to arrange for the payment of the legacy duty to the Russian Government. All private persons taking or retaining anything belonging to the estate of the deceased must be proceeded against by the Consul before the local courts. All claims by foreigners against the personal estate of the deceased must be made to the Consul within six months as aforesaid from the date of the publication of the last notice of the opening of the succession or eight months from the date of the death. The Consul can admit any claim as valid and satisfy the claimant, or he can dispute it if it seems doubtful, leaving the claimant to seek a remedy in the local courts. The Consul is bound by the decision of the court. After the lapse of the said six or eight months no claim against the estate of the deceased can be entertained either by the Consul or by the local courts (Art. 8).

Claims of Russian subjects, which do not relate to the right of succession, must be brought before the law courts in Russia. Russian legislation in this matter differs, however, from that of the other contracting states, the Ruling Senate having decided on the 4th October 1893, No. 1264 in the case of Giudice, that the above conventions with France, Germany, Italy and Spain were to be interpreted as meaning that the claims of Russian subjects, as well as those of compatriots of the deceased in Russia, must be decided by the Russian law courts.

The convention with **Sweden** and **Norway** is to the same effect, viz., that all claims against the personal estate of the deceased must be decided by local law courts.

The Conventions with **France, Germany, Italy** and **Spain** provide that if the estate of the deceased does not appear to be sufficient to satisfy all claims against it, the Consul shall hand over to the local authorities all documents, valuables and effects belonging to the estate, while remaining the lawful representative of any Russian subjects who are interested in such estate. The rights of subjects of the State in which the succession has been opened to the personal estate of the deceased must be adjudicated upon by the local law courts. These rights must be proved and satisfied first, after which the residue of the estate is given over to the Russian Consul.

The Convention with **Sweden** and **Norway** (Art. 7) provides as follows: "If the property left by a deceased Russian subject does not suffice to satisfy all claims against the estate, then such property and all documents relating thereto must be delivered to the local authorities, who will proceed to realise on the property and divide the proceeds among the creditors of the estate, or, if in Sweden, pay them over to a person specially appointed by such local authority for the purpose."

If, on the expiration of the terms fixed by Art. 5, no objections or counterclaims have been brought against the estate, the Consulate, after paying all duties and expenses charged on such estate in accordance with local law, shall take over all the personal

property of the deceased, sell it, and hand the proceeds to the heirs, giving account of same only to his own Government (Art. 8).

As regards **Sweden** and **Norway**, Art. 8 of the Convention is to the effect that personal property left by a Russian subject in either of these states, or by a subject of Sweden or Norway in Russia, and handed over to the Consular Office of the district, shall not be subject to any further charges or duties than those paid by natives of the respective countries.

The Conventions with **France, Germany, Italy, Spain** and **Sweden** and **Norway**, stipulate that in all cases relating to property left in one of the contracting countries by a subject of another of the said countries, the Consuls-General, Consuls and Vice-Consuls shall be *ex-officio* the representatives of the heirs, and officially recognised as their lawful attorneys, without the necessity for a special power. They are, therefore, at liberty, either personally or through their attorneys (who must be persons who are legally entitled to appear before local authorities) to conduct all affairs relating to the estate, to protect the interest of the heirs, to take the necessary steps to prove the titles of the heirs to the estate and to deal with all claims that may be made against it. Consular Officers cannot, however, be proceeded against as principals in matters relating to the estates of deceased persons (Art. 9).

The **right of succession** to real estate is determined by the laws of the country in which the property is situated, and the power to settle all claims and disputes relating to such property rests exclusively with the courts of that country. Personal property is only subject to local law if the right of succession to such property is claimed by a local subject. Other claims as to the right of succession to such property are dealt with by the competent authority of the country to which the deceased belonged, and in accordance with the laws of that country. (Art. 10.)

If the heirs of the deceased are Russian subjects, or subjects of a State other than that in which he died, the rights of succession to the personal property are determined in accordance with Russian law only (Art. 10), and the persons claiming such estate must apply to the local Russian Consul. They must prove their title to inherit the property and state the amount of their claim, producing the will of the deceased—which must be proved by a Russian court of law—or, if there is no will, a deed of succession granted by a Russian court of law. To obtain this document, Russian subjects must petition the proper Russian circuit court, enclosing the certificate of the death of the deceased, legalised by the Russian Consul in whose Consular district the death took place, and all certificates of birth or marriage that may be necessary in order to prove the degree of relationship between the petitioner and the deceased. It is obvious that such deed of succession, in order to be valid, must be granted to Russian subjects by the Russian authorities. In Germany, however, in cases of succession, the law

frequently applies the *lex domicilii, i.e.*, the law of the country where deceased had his permanent home, and it sometimes happens that Russian subjects, living in Germany, procure deeds of succession from the German authorities. It is scarcely necessary to say that such deeds have no validity and cannot be accepted by Russian Consular Officers, who must insist on the production of a proper deed of succession, granted by the Russian authorities.

In the case of a native of Poland dying intestate, the Polish Code of Civil Law prescribes (Art. 724) that the heirs do not require the formal recognition of their rights as such by a court of law. The Consul must, therefore, himself decide as to the validity of the claims of Russian subjects to inherit property left in his Consular district by a Russian subject who is a native of Poland.

The Conventions with **France, Germany, Italy, Spain,** and **Sweden** and **Norway** with regard to property left by Russians provide that in the event of the decease of a Russian subject in any one of the contracting countries at a place where there is no Russian Consular representative, the local authorities must take the necessary steps to inventory and seal up whatever property he may have left. Certified copies of the documents relating to these operations, together with the death certificate and passport of the deceased, must be produced, with as little delay as possible, to the nearest Consulate, or, through the Ministry of Foreign Affairs, to the Diplomatic Agent of the State of which the deceased was a subject. The competent local authorities are, further, required to adopt all the measures with regard to the property left by deceased that are prescribed by local law, and, on the expiration of the time limits fixed by Art. 5, to deliver the property to the respective Diplomatic or Consular Officer. It is self-evident that, in the event of the Embassy, Mission, or nearest Consulate sending an authorised person to attend to the affairs of the deceased on the spot, the local authorities must conform to the rules laid down in the preceding articles (Art. 11).

Art. 11 of the Convention with **Sweden** and **Norway** stipulates, further, that if a Russian subject dies in either of those countries at a place where there is no Russian Consular Officer, the local authorities are required to report the case to the nearest Russian Consulate, to allow the latter to take the necessary steps with regard to the property left by deceased.

The Conventions with **France, Germany, Italy, Spain,** and **Sweden** and **Norway** stipulate that all the provisions of the said Conventions shall apply to cases of decease of subjects of the contracting States, even when such decease does not actually take place on the territory of any particular State, provided that property, either real or personal, is left by the deceased in such State or States (Art. 12).

Art. 13 of the same Conventions is to the effect that all personal effects and wages belonging to sailors or passengers—who are

subjects of one of the contracting States—dying on board ship, or on shore, in the territory of another of the contracting States, shall be delivered to the Consular Officer of the State to which deceased belonged. In the text of the Convention with **Sweden** and **Norway** it is said, further, that such delivery shall be made without any formalities, on discharge of any debts or liabilities which the deceased may have incurred during their sojourn in the country.

Art. 2 of the Maritime Declaration with **France** of the 8th/20th November 1891, No. 8049, stipulates that the property of every Russian seaman dying on board of a French vessel, either in France or her colonies, or in the territory of a third nation, shall be handed over to the nearest Russian Consul, without the necessity for observing any of the formalilies prescribed by French law in cases of estate left by deceased persons.

The term "estate" includes all "property, wages due, money, and other effects" left by a deceased seaman on board a ship, and also all documents relating to his personalty.

§ 141. Embalming and Transport of Bodies of Deceased Russian subjects to Russia.

The body of a Russian subject who dies abroad may be brought back to Russia on procuring a special certificate from a Russian State Consul. To obtain this certificate the following must be produced to the Consul:—

1. Deceased's passport.

2. Three copies of the certificate of death of the deceased.

3. Certificate of a local physician, duly legalised by a Notary Public, stating that the deceased died of a non-infectious disease, and that the body has been duly embalmed and placed in an air-tight and hermetically sealed coffin of metal enclosed in a second one of wood.

4. Written permission from the local authorities to transport the body to the Russian frontier. If the body will have to pass through several States before it reaches the Russian frontier, written permission must be obtained from the Government of each of these States through the local Consul.

5. Indication of the point at which the body will cross the Russian frontier.

After receiving these documents the Russian Consul refers the matter by letter or telegram (R.P.),[1] at the expense of the applicant, to the Governor or Chief of the Russian province or to the Prefect of the town where the body is to be interred. On the request being acceded to, the State Consul must deliver a certificate (otkriti list) to the person who is to accompany the body in the following terms:—

"By permission of the Governor (or Prefect) . . . . . .
" dated . . . . . the bearer of this document (name, surname) is
" allowed to transport from abroad to Russia the body of . . . . . .
" deceased at . . . . . on the . . . . . by way
" of . . . . . on the Russian frontier."

[1] Code of Medical Regulations, Art. 718; Circular of the II. Department of the Ministry of Foreign Affairs of 21st April 1904, No. 4414.

The State Consul must also certify that the body is duly embalmed and placed in an hermetically sealed coffin of metal enclosed in a second one of wood.

CHAPTER VII.—INHERITANCE TAX.

§ 148. Inheritance Tax.

INHERITANCE tax on real estate left by Russian subjects abroad is only payable to the State Exchequer of the country where it is situate and in accordance with the law of that country, while on personal property duties must also be paid to the Russian Exchequer, in accordance with Russian law, whether the heirs are Russian or foreign subjects.

If personal property is left to a Russian subject abroad, by a foreign subject, the former is not bound to pay the inheritance taxes on such property to the Russian Government, unless he obtains the estate through the assistance of Russian State Officials, *e.g.*, Russian Consular Officers.[1]

Personal property left abroad by Russian subjects to subjects of other States is only subject to inheritance taxes when special conventions to that effect exist between the respective States and Russia, and only then if Russian Consular Officers take part in the proceedings with regard to the estate, or when a local law court does not adjudicate the estate of deceased to a subject of a foreign State.[2]

Before handing over the property to the heirs, State Consular Officers are required to deduct the amount of inheritance tax[3] due and remit same to the II. Department of the Ministry of Foreign Affairs. Elective Consular Officers remit it to their State Consul.

The inheritance tax is graduated as follows:—

1. 1 per cent on all property inherited by husbands and wives, by relations in the direct line—either ascending or descending—by adopted children, or the husbands or wives of children;

2. 4 per cent. on all property inherited by step-children, brothers and sisters, half-brothers and sisters and the children of deceased brothers and sisters or half-brothers and sisters;

3. 6 per cent. on all inheritances by relatives in the third degree of relationship not mentioned in § 2 of this article, and by relatives in the fourth degree of such relationship; and,

4. 8 per cent. on all property inherited by persons who do not come under either of the heads enumerated in the three preceding paragraphs of this Article.[4]

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[1] Goriainoff, Consular Guide, pages 200 and 201.
[2] Goriainoff, Consular Guide, page 207.
[3] Code of Government dues and taxes, Art. 167.
[4] *Ibid.*, Art. 154.

CHAPTER VIII.—Minors and Widows Abroad.

§ 143. Consular Assistance to Minors and Widows.

In virtue of their office, Russian Consular Officers are provisionally the guardians and curators of the widows and orphans of all Russian subjects dying in their Consular, district, and the official representatives and attorneys of the absent heirs.[1] The Consul assumes the charge of all property belonging to the widow and orphans, protects them against possible oppression, settles with their creditors and debtors, in short, in every respect takes the place of guardian to them, always conforming to the laws of the country, and to the existing treaties.

The Consul only interferes in his official capacity if the deceased has not himself appointed a trustee or a guardian living in the place. His duties only last until the family of the deceased, or the proper authority, have made special provisions in this respect. In laying down his provisional administration, the Consul gives an account of it to the proper person or Department.[2]

With regard to the legal status of a widow, the Consul must bear in mind that a Russian woman who has attained her majority enjoys, according to Russian law, full legal capacity; is not in need of a guardian; has the right, when married, to dispose of her property at her own discretion and to manage it herself,[3] and may enter into liabilities without requiring the consent of anyone.[4] After the death of her husband she is the lawful guardian of her children.[5] From the above it would appear, therefore, that the duties of a Russian Consular Officer towards a Russian widow are limited to protecting her from possible oppression.

The mother of a child born out of wedlock has the same rights and duties towards her child as the parent of a legitimate child.[6] The family name of an illegitimate child may be either the patronymic of the father or godfather, with the consent of the mother and of her father if he is alive, or the family name of the mother.[7] Although there is no provision in Russian law for determining the nationality of illegitimate children, whose mothers are of Russian nationality, when they are born abroad, it is manifest that they must be of Russian nationality, as they are not entitled to take that of their fathers. Illegitimate children born of Russian women abroad are, therefore, also under the guardianship of Russian Consular Officers.

In like manner, Russian Consular Officers are the lawful guardians of the minor children of Russian subjects who have become foreign subjects without first procuring their lawful release from Russian subjection, and who were, therefore, still Russian subjects at the time of their death.[8]

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[1] Consular Reg., Art. 2.
[2] *Ibid.*, Art. 77.
[3] Code of Civil Laws, Arts. 109 & 115.
[4] *Ibid.*, Art. 221.
[5] *Ibid.*, Arts. 230 & 231.
[6] *Ibid.*, Art. 132.
[7] *Ibid.*, Arts. 192 & 132.
[8] *See* "Naturalisation and Release from Russian Nationality."

CHAPTER IX.—LUNATIC RUSSIAN SUBJECTS.

§ 144. Consular Protection of Lunatic Russian Subjects.

RUSSIAN Consular Officers are required to afford every protection to Russian subjects who are of weak or unsound mind residing either permanently or temporarily within their Consular Districts. Acting as trustees of the persons concerned, they are entitled to take whatever lawful steps they may think necessary in the interests of their persons and property and are at liberty, if it seems advisable, to arrange for examination of the subjects by qualified medical men in order to ascertain their mental condition.[1]

This general rule does not imply, however, that the Consul, acting on the wishes or advice of private persons, is authorised to deprive persons of their liberty, when they have not been lawfully registered as lunatics. On the contrary, he must be careful not to take any responsibility in respect of persons of unsound mind, independently of the local laws. In cases, therefore, where persuasion is of no avail, the Consul should apply to the local authorities, asking them whether they do not consider it necessary to put the person whose sanity is in question under control, in his own interest and in the interests of the public. The expenses incurred on the lunatic's behalf must be paid out of his own estate. If he has no means, the Consul must immediately report the case to the II. Department of the Russian Ministry of Foreign Affairs and ask for instructions as to the conveyance of the lunatic to Russia.

Examination of Lunatics.

A formal examination and declaration as to the state of mind of the lunatic is only necessary in the following three cases :—

1. If the Consul, after having reported the case to the Russian Ministry of Foreign Affairs, receives a special order from his Government to do so.

2. If the relatives of the lunatic apply to the Consul asking him to do so, and undertake to pay the expenses incurred, if the lunatic has no means of his own.

3. If the local authorities for some reason, as, for instance, on account of the lunatic being owner of real estate in the district, require that he be formally recognised by the law as insane.

If the Consul be requested by the local authorities to take part in the inquiry, he cannot do so without having previously obtained the authorisation of the II. Department of the Russian Ministry of Foreign Affairs.[2]

According to the Decree of the Imperial Russian Senate of the 13th May 1860, No. 22,902, the examination as to the mental condition of Russian subjects, who have become insane during their stay abroad, must be conducted in conformity with local law, and with the co-operation of a delegate from the local Russian Legation or Consulate. The proceedings will only be recognised by the

[1] Cons. Reg., Art. 2.

[2] Circular of the II. Department of the Ministry of Foreign Affairs of 30th June 1880, No. 6081.

Russian Government if the Russian Consul takes part in them. The document drawn up on such occasions must be legalised by the Consul, who must state that all the proceedings have been conducted in accordance with local law, and it must then be sent to the II. Department of the Russian Ministry of Foreign Affairs with a certified Russian translation. The document is transmitted by the Ministry of Foreign Affairs to the Minister of Justice, who sends it to the Senate.

Russian Consuls must take upon themselves the charge of the lunatics and of their property abroad, unless they possessr elatives or friends who are willing to give a written undertaking to perform these duties. On the recovery of Russian lunatics abroad, they must be examined and declared sane with the same formalities as were observed when they became insane, that is, in accordance with the laws of the country in which they are residing at the time, and with the co-operation of the local Russian Legation or State Consulate. The substitution of the official member of the Legation or State Consulate by a private delegate is only permissible if the place of examination is very distant from the Legation or Consulate, and then only with the sanction of the Russian Ministry of Foreign Affairs.

An examination and declaration made without the co-operation of a delegate from a Russian Legation or Consulate cannot be recognised as valid by the Russian Government unless the Russian Ministry of Foreign Affairs certifies that there was, at the time, no Russian Legation or Consulate in the country where the lunatic resided.

The expenses of a delegate appointed by the Russian Legation or Consulate to be present at the examination of a Russian lunatic subject abroad, and all expenses for the lunatic's protection and his return to Russia, must be paid out of his estate. If he or she has no property, the expenses must be paid out of the Russian State Exchequer in accordance with Art. 370 of the Russian Civil Law.[1] The expenses incurred on behalf of a lunatic Russian subject abroad, however, can only be refunded to the Legation or Consulate of the district if the lunatic has been examined and declared insane with the special consent of the Russian Government, and has consequently been declared lunatic by the Imperial Russian Senate. In order to avoid expenses which could not be refunded to them, Consular Officers must decline to send Russian subjects, who have not been certified as insane by the Russian authorities, to Russia, and, when approached by the local authorities abroad with regard to such, they must propose that they be sent to Russia at the expense of the local authorities. This is obviously the normal course, as it is to the interest of every State to rid itself of undesirable aliens.

In all cases of presumed insanity of Russian subjects abroad coming to the knowledge of State Consuls they must report to the Second Department of the Ministry of Foreign Affairs, or, if the

[1] Svod Zakonov, Vol. x., Part 1, Ed. 1887.

patient is a Finn, to the Governor-General of Finland. Elective Consular Officers report to the State Consul to whom they are subordinate.

§ 145. Lunacy Act of Great Britain.

In order to repatriate an alien lunatic from **Great Britain**, a warrant must be applied for to the Secretary of State, under the Lunacy Act of 1880, sec. 71. The applicant is required to fill in a printed formula, and to give full particulars as to the personality of the patient and the manner in which he will be conveyed to his own country.

CHAPTER X.—Presents and Dedications of Foreigners to their Majesties.

§ 146. Presents and Dedications to their Majesties.

Foreigners who desire to present His Majesty or Her Majesty with books, addresses or artistic products, or to make a dedication to His Majesty, must apply to a Russian Legation or Embassy, which will make an inquiry about the personality of the donor and the circumstances under which the present or dedication is proposed to be made. If the inquiries are satisfactory and the Legation or Embassy judge the application worthy of consideration, a report about it is made to the Russian Ministry of Foreign Affairs, but this does not involve the acceptance of the present. The Ministry of Foreign Affairs informs the Legation or Embassy of the decision in the matter, and the donor receives notice from the latter.

CHAPTER XI.—The Consul and Disputes between Russian Merchants.

§ 147. Disputes between Russian Merchants Abroad.

The Consul is entitled to act as mediator between Russian merchants in disputes arising within his Consular district and relating to mercantile matters, and to arbitrate in all litigations between Russian subjects, if both parties desire him to do so.[1]

He must do all in his power to settle any differences or disputes which may arise between Russian merchants established in or travelling through the place in which he resides, if the interested parties apply to him and formally declare that they will abide by his decision without appeal to any foreign authority. This declaration, and also the statement, requisite according to the rules of courts of arbitration,[2] that the persons in litigation wish to have recourse to such, must be legalised by a Russian State Consul.[3]

[1] Cons. Reg., Art 2. [2] Code of Civil Procedure, Art. 1369.
[3] Cons. Reg., Art. 105.

If the parties do not choose to submit to the Consul's decision, or if it is expressly mentioned in the statement handed in by them that they wish to reserve to themselves the right to appeal to a legally constituted court, it is open to them to appeal to the courts of the Empire. In any case, the Consul will communicate on the subject with the Imperial Legation to which he is subordinate.[1]

CHAPTER XII.—CONSULAR JURISDICTION IN NON-CHRISTIAN STATES.

IN **Persia, Turkey, China** and **Corea,** Russian Consuls have the right of jurisdiction over Russian subjects residing in those countries enjoying the privilege of Exterritoriality.

§ 148. Consular Jurisdiction in Persia.

The existing organisation of Russian Consular jurisdiction in **Persia** was established by the Russian law of the 21st January 1829, and is in accordance with Arts. 143 to 177 of the Russian Consular Regulations. The Consular and Mission Courts constitute the courts of first resort. They are presided over, respectively, by the Consul and the Head Dragoman. Assistant judges are selected from among local business men of Russian nationality. The jurisdiction of the Consular Court extends to all cases arising in the Consular district. In cases involving matters of less value than 30 roubles, the Consul decides without assistance. The Mission as Court of first resort has jurisdiction outside of the Consular district.[2] The second resort is a court presided over by the First Secretary of the Mission, who is also the Consul-General for Persia. His court consists of judges selected by the resident Minister from Russian subjects at Teheran.[3] The third resort is constituted by the IV. Department of the Imperial Russian Senate. Claims must be presented in writing, and the proceedings are summary and have no particular form.[4] The observance of the Russian Code of Civil Procedure is not necessary. The decisions of the court are given in accordance with local usage or, where that does not apply, in accordance with Russian law.[5] Judgment is given in Russian if the assistant judges and the parties concerned are acquainted with the language. If not, the languages used are not only Russian but also that of the particular locality.[6] Appeal is allowed against the judgments of courts of the first resort in all cases involving sums over 150 roubles, and from those of the second resort in cases involving amounts of 600 roubles and upwards.[7] The appeal does not stay judgment, but the amount in litigation must be deposited with the court pending the decision of the court of appeal.[8]

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[1] Cons. Reg., Art. 105.
[2] Cons. Reg., Arts. 147 to 149, 152.
[3] Cons. Reg., Art. 150.
[4] Cons. Reg., Arts. 155 to 157, 161.
[5] Cons. Reg., Art. 158.
[6] Cons. Reg., Art. 163.
[7] Cons. Reg., Art. 164.
[8] Cons. Reg., Art. 167.

The appellant is required to guarantee to his adversary 5 per cent. of the amount in dispute as compensation for the delay, and this sum is forfeited by him if the decision of the Court of Appeal is in his opponent's favour. If the papers relating to the case are sent to the Imperial Senate, the whole of the sum deposited with the court must be sent also, and is then deposited at the Imperial Bank at St. Petersburg, bearing interest while it remains there. If the matters in dispute consist of merchandise, they are sold by public auction and the sum realised by the sale is sent to St. Petersburg.[1] Disputes between Russian subjects and the subjects of other powers (not Persians) are settled by the competent authorities of the power to which the person against whom the charge is made belongs.[2] Disputes between Russian subjects and Persians are settled by Persian judges in the presence of the Russian Consul or Dragoman. Appeal to Russian courts is not allowed. The resident Minister may approach the Persian Government with a view to appointing mixed tribunals.[3]

§ 149. Consular Jurisdiction in Turkey.

Disputes between Russian subjects trading in **Turkey** are settled by commissions appointed by the Russian ambassador at Constantinople and acting under his supervision.[4] They have final jurisdiction in cases involving sums of not exceeding 1,000 piastres.[5] If the amount in dispute exceeds this sum, appeal is allowed to the IV. Department of the Imperial Senate. In such cases the appellant must give security for the amount claimed.[6] Notice of appeal must be given not later than seven days after decision of the court, and the documents presented within six months to the judge *judex a quo*. The Director of the First Department of the Ministry of Foreign Affairs takes part in the proceedings of the Senate.[7]

§ 150. Consular Jurisdiction in China.

In **China**, Russian Consuls have jurisdiction over their countrymen. Consular Courts are established on the same lines as in Persia with the difference that the Consul is authorised as sole judge exclusively to decide disputes between the captain and crew of Russian vessels.[8]

§ 151. Consular Jurisdiction in Corea.

In **Corea**, jurisdiction over Russian subjects and their property is exercised by Russian Consular agents or persons entrusted with such duties.[9] In cases of dispute between Russian subjects on the one side and Corean subjects or the Corean Government on the other, and in cases of arrest of property owing to offences against the Trade and Customs Regulations, the competent court is that of the nationality of the accused. The representative of the nation

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[1] Cons. Reg., Arts. 168 to 170. [2] Cons. Reg., Arts. 171 and 172.
[3] Cons. Reg., Arts. 173 to 175. [4] Cons. Reg., Art. 179.
[5] Cons. Reg., Art. 180. [6] Cons. Reg. Art. 181, 182. [7] Cons. Reg., Art. 183.
[8] F. Martens, International law (in Russian), St. Petersburg, 1883, vol. II., page 90.
[9] Cons. Reg., Art. 190.

to which the other party belongs is at liberty to be present, to call and examine witnesses, and to protest against the form of procedure and the judgment. Domiciliary visits, or visits of inspection to Russian ships, may only be made by the Russian Consul.[1]

In **Japan** the jurisdiction of Consuls on the basis of Exterritoriality has been abolished.

CHAPTER XIII.—CONSULAR SUPERVISION OF RUSSIAN SUBJECTS.

§ 152. Consular Supervision of Russian Subjects in Persia.

IN the uncivilised or semi-civilised countries of the East, Russian Consular Officers are invested with extensive powers of supervision and jurisdiction over Russian subjects, in accordance with the privilege of exterritoriality conferred on them by special State Treaties or "capitulations." For instance, the duties of Russian Consuls in **Persia**[2] are to watch over the conduct of Russian subjects residing in their Consular districts, and, if necessary, to employ correctional and police measures towards them. In extreme cases they may request the Imperial Russian Legation at Teheran to have the offending parties expelled from Persia, accompanying their request with a statement of the reasons which have induced them to resort to such extreme measures.

In civilised countries the competency of Russian Consular officials in relation to their fellow subjects is much more restricted. They are required to execute all commissions and instructions entrusted to them by the Home Government, whose interests, as Government agents, it is their duty to serve; but they are not at liberty to interfere with the powers of local jurisdiction or of the police, and are only entitled to the assistance of the local authorities on the basis of their exequatur, or other official recognition of their competency, for protection in cases of emergency or in cases specially provided for in State treaties or in accordance with local law. A special duty rests with the Russian Consul-General at New York, who is instructed to arrest any Russian subject who, for a crime committed in Russia, is to be repatriated on an extradition warrant.[3]

§ 153. Consular Supervision of Russian Subjects at New York.

Consular Officers are often invited by the Russian authorities to communicate with Russian subjects residing in their districts or to hand them documents. In such cases a voucher signed by the recipient of the communication should be sent to the authority in question to prove that the commission has been properly executed. If the person for whom the message is intended resides in the same town as the Consular Officer, the Consul is entitled to call upon

§ 154. Delivery of Documents by Consul.

[1] Leske & Löwenfeld: Die Rechtsverfolgung im Internationalen Verkehr. Berlin, 1896, vol. II., page 3.

[2] Goriainoff, "Consular Guide," page 296.

[3] Cons. Reg., Art. 78.

him to appear at the Consulate. If he is not a local resident, the Consular Officer must apply, as in the case of communications with foreigners,[1] to the police of the place, requesting them to make the necessary communication, or to deliver the document, against a voucher signed by the recipient. This voucher is then to be sent to the authority from whom the message was received. Elective Consular Officers forward such vouchers to their State Consuls. Direct correspondence with the persons referred to is not recommended, as they frequently refuse to give the required vouchers and the Consular Officer is left without the means of proving to his superiors that he has fulfilled the commission entrusted to him.

In order to facilitate such communications, the Consular Officer should be provided with as complete a list as possible of all Russian subjects residing in his district, and their addresses. Russian travellers are requested to leave their addresses at the Consulate. In **Persia**, Russian subjects arriving at a town where there is a Russian Legation or Consulate, are required to present themselves at such Legation or Consulate as soon as possible and declare the purpose of their journey.[2]

§ 155. Summonses relating to Military Service.

Russian subjects residing abroad receive, through the medium of Russian Consular Offices, notifications and summonses relating to military service in Russia.

§ 156. Russian Army Uniforms Abroad.

Russian subjects belonging to the army are not permitted to wear their uniforms abroad, unless when assisting at public functions, or when being presented to persons of the highest rank, or when appearing at military reviews or manœuvres. Consular Officers are required to see that these rules are observed, and to report cases of infraction to the General Staff of the Russian Army (Elective Consular Officers through their State Consul).[3]

CHAPTER XIV.—Military Service of Russian Subjects.

§ 157. Compulsory Military Service.

According to the Law of 1874, military service in Russia is regarded as an honour and a duty incumbent on all male subjects of the Empire. Every Russian subject is required to enter the army or navy as soon as he attains his twentieth year. No substitute or money equivalent is accepted in lieu of service, and there are no privileges of rank or position which can absolve a Russian from the

[1] *See* under "Commissions from Government," Part I., Chapter 10.

[2] Cons. Reg., Art. 145.

[3] Circular of the II. Department of the Ministry of Foreign Affairs of 27th June 1878, No 5925.

duty of serving his term with the national defences. The total term of service is fifteen years, of which six must be spent in actual service and nine in the reserve. The term of actual service is subject to reduction according to the degree of education of the recruit. Thus, a man who has passed his examinations at an elementary school is only required to spend four years in actual service; one who has passed his examinations at what is termed a lower school, which is a grade higher than an elementary school, only serves three years; while one who has passed his examinations at a middle or high school only serves two years. Professional education confers further advantages: medical men, veterinary surgeons, bursars of the Academy of Arts, persons sent abroad to complete their education at the expense of universities, as well as university professors, are, from the beginning, included in the reserve. The same applies to masters, mates and other ships' officers, and to the apprentices of the merchant fleet. Other advantages enjoyed by students consist in the right of such as have not yet completed their education to postpone their entrance upon actual service until their twenty-eighth year. Privileges are also accorded on family grounds. Thus, the only son of a family is entirely exempt from military service. This is termed an exemption of the first degree. Certain other family circumstances confer exemption of the second degree, and others, again, such as having one brother more than six years older and in actual service, give rights of exemption of the third degree. Recruits belonging to large families are not entitled to any exemption whatever. The annual number of recruits at present required, according to Imperial decree, is about 250,000. When the recruits are called in, the authorities begin with the young men who are not entitled to exemption and, if these do not afford the number of recruits required, they proceed with the men entitled to exemption of the third degree. If the number is still insufficient, they pass to those of the second degree and, if still insufficient, to those of the first degree. These latter, however, can only be called up for actual service by special permission of His Majesty the Czar. Since 1874, there has never once been occasion to apply for such permission. Those who are not called upon for actual service, are enlisted in the Militia, which can only be called upon in case of war.

Militia.

§ 158. Military Service of Sons of Diplomatic Officers and of Priests.

Persons residing abroad are entitled to the following privileges:

1. If the sons of Russian diplomatic agents and other persons residing abroad on account of their official or sacerdotal duties, who are being educated at foreign educational establishments, present a certificate, duly attested by the proper Russian Embassy, Legation or State Consulate, that they are still at such establishments, a postponement of their military service will be granted, to enable them to finish their studies, until their 22nd or 28th year according to the class of Russian educational establishment to which the school, at which they are being educated, corresponds, this being decided by the Minister of Public Instruction.

2. The exemptions for young men who have completed their education at Russian educational establishments, apply also to the sons of Russian diplomatic agents and other persons residing abroad on account of their duties to the Russian State or their sacerdotal offices, provided that they have been educated at foreign educational establishments and have there received diplomas, in virtue of which, according the laws of that country, the usual term of military service would be reduced, or if they have been admitted into an educational establishment, the science curriculum of which corresponds to one of the 1st or 2nd class Russian schools. To obtain the benefit of such exemptions the young man must—

(*a*) Present his diploma or certificate (the authenticity of which must be attested by an Embassy, Legation, or State Consulate, to the Ministry of Public Instruction, which will state to which class of Russian educational establishment the school that has issued the diploma or certificate corresponds.

(*b*) Pass a supplementary examination in the language, literature, history and geography of Russia, and if he belongs to the Greek Catholic Church, in theology. The syllabus and proceedings at these examinations are arranged by mutual agreement between the Minister of Public Instruction and the Minister of War.

§ 159. Military Service of Sons of Russian Officers residing Abroad.

3. To young men who have been educated at foreign educational establishments otherwise than in consequence of their father's service abroad, the aforesaid exemptions in paragraphs 1 and 2 can only be granted by special permission of the Emperor. Such permission must be sought from the Minister of Public Instruction, after obtaining the express consent of the Minister of the Interior. Together with their petition for postponement, such young men must present, among other documents, certificates from the head of the school where they have been educated, proving that their conduct has been good and their studies satisfactory, and these certificates must be attested by a Russian Embassy, Legation, or State Consulate.

§ 160. Military Service for Russians who have completed their Studies Abroad.

4. Russian subjects who have completed their studies at foreign educational establishments which do not correspond to the conditions pointed out in paragraph 2, and also those young men mentioned in paragraph 3 to whom paragraph 2 does not apply, must, in order to obtain exemption from military service in virtue of their education, pass the examination of a Russian educational establishment, according to the general rule.

§ 161. Enlistment.

The number of men required to fill the ranks of the army and navy is settled by legislative enactment every year. Enlistment is decided by lot once in each man's lifetime. Persons who, from the number of the lot drawn by them, are exempt from service in the regular army, are enrolled in the militia (opoltscheny). Each year only persons of a certain age are required to draw lots, that is to say, all the young men who have, on the 1st October of that year, attained the age of 21 years. The yearly summons to military

service, and the selection therefor, take place throughout the Russian Empire during the period from the 15th October to the 15th November. There are conscription areas for military service, consisting either of a part of a district or of a whole district. Towns with not less than 10,000 male inhabitants form a separate conscription area. All male persons who have reached the age of 16 receive a certificate of enrolment in a conscription area not later than the 31st December of the year in which they reach the age of 20. Such enrolment takes place upon a declaration, which the person wishing to become enrolled must present, together with his birth certificate, or a document in lieu of it, at the military service office of the district or town which forms the conscription area chosen by him.

§ 162. Conscription Areas for Military Service.

In every province there is a provincial military service office, in every district a district military service office, and there are separate town military service offices in St. Petersburg, Moscow, Odessa, Riga, Kazan, Charkoff, Kiew, Saratoff, Vilna, Kishineff, Cronstadt, Nikolaiev, Sevastopol, Tiflis, and Warsaw.

All persons liable to military service are entitled to present themselves for the drawing of the lots either in the conscription area in which they are enrolled, or in one in which they, or their parents, possess real estate, or in which they have lived for not less than three months previous to the day on which the declaration as to the conscription area they choose has been made. At the time of drawing lots, the divisional and town offices fix a day for the draw in every conscription area, and make arrangements for summoning to the enlistment place of every conscription area all persons enrolled therein.

§ 163. Sailors are not summoned to Enlistment for Military Service.

Persons serving by agreement on ships of the mercantile fleet are not summoned for enlistment. If such persons are abroad, they must apply to the nearest Russian Consulate for a certificate, which must state that they are, in fact, serving on board of a merchant ship, and mentioning how long and in what capacity they have been so employed. This document is given free of charge on production of a certificate from the captain as to the applicant's service, and it must be sent to the military service office of the division in which the applicant is enrolled.

Legitimate reasons for not obeying the summons are grave or dangerous illness and other insuperable impediments. If a person, who is thus unable to appear, is abroad, he must apply to the nearest Russian Consulate, either for a certificate evidencing the fact of the impediments, or for the legalisation of a certificate given by a competent local person to similar effect. Certificates attesting the illness of Russian subjects who are prevented from presenting themselves at the appointed time for military service are issued exclusively by Russian State Consuls, in accordance with Art. 158,

Note 2, of the Code of Military Service, and Art. 97, Note 1, of the Finnish Code. These articles are as follows:—

§ 164. Illness and Military Service.

Proof of the illness of a person who, while abroad, has failed to present himself at the proper time for military service, must be submitted in the form of a doctor's certificate. The particular doctor must be appointed, and his certificate duly attested by the Embassy, Mission or State Consulate of the district. Such persons as, according to the number of their conscription tickets, are required to join the permanent army, must, on their arrival in Russia, present themselves to the proper military authority (*prisutstvie po voinskoi povinnosti*).

A decision of the I. Department of the Ruling Senate of the 28th May 1892, No. 4599, provides, further, that the State official, as above, must not only certify the authenticity of the signature and seal of the physician on the certificate of sickness, and attest the correctness of the translation, if any, of such certificate into Russian, but must be prepared to vouch personally for the fact of the illness. The certificate thus granted frees the person suffering from bad health from the obligation to present himself to the military authorities in Russia at the appointed time, but it does not liberate him from subsequent examination by such authorities on his return to Russia, if, according to the number of his conscription ticket, he is required to serve in the regular army.[1]

In accordance with these provisions, if a Russian subject is unable to present himself on the score of ill-health, the Consular Officer appoints a physician to examine him and give him a certificate. The certificate is then attested by the Consul, who adds the statement that the physician by whom it was given was appointed by himself. If the certificate is in a foreign language, a certified translation of it is necessary. The certificate (and translation, if any) must then be sent by the Russian subject himself to the proper military authorities in Russia.[2]

CHAPTER XV.—Immigration and Expulsion of Aliens.

§ 165. Immigration and Expulsion of Aliens.

It often happens in Consular practice that Russian subjects who have acquired a domicile in foreign countries, or who are travelling abroad, neglect to observe the local laws and regulations relating to aliens, and, in consequence, incur a risk of having their liberty interfered with or of being expelled from the country whose laws they have contravened. In such cases they of course appeal for protection to the Russian Consular Officer, who, in order to intervene effectively, must be fully acquainted with the local legislation on the subject.

[1] Circular of the II. Department of the Ministry of Foreign Affairs of the 20th August 1874, No. 6562.

[2] Regulation of the Military Authorities of the year 1900, No. 128.

§ 166. **Russia.**

In **Russia**, with the exception of Jews and Jesuits, all foreigners are admitted without restriction, provided the existing passport and sanitary regulations are complied with. Foreigners are, however, liable to expulsion for misbehaviour or in consequence of suspicious conduct on their part, or for reasons of State. The provisions of the Russian Law of the 26th May 1903 relating to the expulsion of undesirable aliens from Russia are as follows:—[2]

1. The right of expelling aliens from Russia and of prohibiting undesirable foreigners from entering the country, except in cases specially provided for by law, are exercised by the Ministry of the Interior. In localities which are under the control of the War Ministry or of Governors-General, the right of expulsion or prohibition is vested in those authorities. Governors of remote provinces and outlying Governments are only permitted to exercise this authority with the special permission of the Emperor and on application to the Committee of Ministers.

2. Foreigners sentenced to hard labour or to transportation (to Siberia) are not liable to expulsion, while persons who have been sentenced to the forfeiture of their personal liberty cannot be expelled before they have served their term of imprisonment.

3. Aliens who receive notice of expulsion from Russia must leave the country without delay. If they fail to do so, they are sent to the frontier under police convoy, and are there handed over to the foreign authorities.

4. Any person who refuses to obey the commands of the authorities to leave the country, or who, having been expelled, returns to it without permission to do so, is liable to expulsion in the same manner, after first serving a term of imprisonment.

5. The Minister of the Interior provides the funds to enable impecunious foreign subjects to leave the Empire. He is, however, at liberty to refuse such assistance if he considers it advisable.

It is hardly necessary to add that foreigners in Russia who obey the laws, avoid politics and attend strictly to whatever business they may be engaged in, have no need whatever to fear the regulations which relate to the expulsion of foreigners from the Empire. Russia is, in fact, very hospitable to foreigners, large numbers of whom reside in the principal cities, such as Petersburg, Moscow, Odessa, Warsaw, Lodz, Riga, &c.

§ 167. **Great Britain.**

In 1904 a Bill for the regulation of alien immigration was brought before the Parliament of **Great Britain**, but it was withdrawn. Up to the present all persons, whatever their nationality, are permitted to enter and become domiciled there. According to 6 William IV. c. xi., the masters of vessels carrying aliens on board are bound, on arrival at British ports, to declare in writing

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[1] *See* "Visa of Passports."

[2] Compare also second half of Art. 31 of the Russian Laws relating to the Organisation of the Provinces, Ed. 1892, Svod Zakonov, Vol. I., Part 2.

to the chief officer of the Customs the number, names, ranks, occupations and descriptions of such aliens, and the port of their disembarkation. No further regulations exist as to aliens.

In the legislation of the self-governing **British Colonies**, no distinction is drawn between British subjects and persons of other nationalities. The same restrictions and prohibitions apply equally to all immigrants. The following is a brief summary of these laws.

§ 168. **Canada**

Immigration into the **Dominion of Canada** is regulated by the Immigration Act, 1886 (Revised Statutes, c. 65) and the amending Act of 1902 (2 Edward VII., c. 14). The principal provisions of these Acts are as follows:—No vessel bringing immigrants is admitted to entry unless she has been visited by an immigration agent. If it is found, on the arrival of the vessel at the Canadian port, that proper measures for the preservation of the health of the passengers and crew during the voyage have not been observed, a duty of two dollars per head for every passenger or immigrant is imposed on the master of the vessel. The Governor in Council is also empowered by proclamation to impose a further duty, payable by the master of any ship bringing passengers or immigrants, not exceeding two dollars, from every alien or passenger, independently of the duty above mentioned. Every master of a vessel is required, under penalties, before permitting any passenger to leave the vessel, to hand to the Collector of Customs at the port of landing a report, giving full particulars of all passengers, specifying in each case the port of embarkation, the name, sex, and age of each passenger, the number of each family, the profession, occupation or calling of each passenger, the nation or country of birth, and the place in the Dominion of Canada or United States to which the passenger is bound. The master is also required to report to the Collector of Customs at the port of arrival the names of all passengers who are lunatic, idiotic, deaf and dumb, blind, or infirm, stating also whether they are accompanied by relations able to support them.

If the Medical Superintendent of the quarantine station, whose duty it is to examine into the condition of the passengers, finds any person of the classes above-mentioned not belonging to an immigrant family, and such person is, in the opinion of the Medical Superintendent, likely to become permanently a public charge, he is to make a report of the facts to the Collector of Customs, who is to require the master to execute a bond with two sureties for three hundred dollars conditioned to indemnify the Government of Canada, the Provincial Government, and all local authorities, from any expenses which may be incurred during three years for the maintenance of such passenger. The master is relieved from the obligation to give this bond if the Medical Superintendent certifies that the infirmity arose "from some cause not existing or discernible at the time of the departure of the ship from the port where such passenger embarked." Arrangements may be made for the reconveyance of the person in question to the port from which he

was brought, and the money payable under the bond may be applied to this purpose. The Governor-General may, by proclamation, prohibit the landing of pauper or destitute immigrants until the master of the vessel in which they arrived has paid to an "Immigration Agent" such sums of money as are necessary for their temporary support and transport to their place of destination, and he may also prohibit the landing of any "criminal or other vicious class of Immigrants designated in such proclamation." The (Amending) Immigration Act of 1902 extends this power to any immigrant or other passenger who is suffering from any loathsome, dangerous, or infectious disease or malady, whether such immigrant intends to settle in Canada, or only intends to pass through Canada to settle in some other country. Such prohibition may be absolute, or may be accompanied by permission to land for medical treatment only, for a period to be determined as provided by order or proclamation. A proclamation under these provisions was issued by the Governor-General in September, 1902.

The Act of 1902 also renders any immigrant landing or remaining in breach of these provisions, liable to be arrested without warrant and to be compelled to return to the vessel, and imposes on the owner or master of the vessel a penalty not exceeding 1,000 dollars and not less than 100 dollars for every immigrant or passenger, if he offends by violating any of the provisions of the Act, aids or abets any immigrant or passenger in contravening any order or proclamation, or neglects to take back on board the vessel any such immigrant or passenger. All penalties imposed on the master become a special lien on the vessel and may be enforced by the seizure and sale of the vessel, her tackle, apparel and furniture (Act of 1886, sect. 40). The above-mentioned laws extend to the whole of the Dominion of Canada, and it does not appear necessary to mention the laws of the different provinces.

§ 169. Natal, Cape Colony, Australia, New Zealand.

In the British Colonies throughout the Southern Hemisphere, the principal Acts restricting immigration are those of **Natal** (1897), of the **Cape of Good Hope** (1902), of the Commonwealth of **Australia** (1901), and of **New Zealand** (1899). The earliest of these Acts is that of Natal, the provisions of which were adopted with some variations in the subsequent legislation of other Colonies. The principal provision is contained in section 3, which is as follows:—The immigration into Natal, by land or sea, of any of the classes defined in the following subsections, hereinafter called "Prohibited Immigrant," is prohibited, namely:—

(*a*) Any person who, when asked to do so by an officer appointed under this Act, shall fail to himself write out and sign, in the characters of any language of Europe, an application to the Colonial Secretary in the form set out in Schedule B. of this Act.

(*b*) Any person being a pauper, or likely to become a public charge.

(*c*) Any idiot or insane person.

(*d*) any person suffering from a loathsome or dangerous contagious disease.

(*e*) Any person who, not having received a free pardon, has, within two years, been convicted of a felony, or other infamous crime or misdemeanour, involving moral turpitude and not being a mere political offence.

(*f*) Any prostitute and any person living on the prostitution of others.

The education test provided by subsection *(a)* appears to be mainly designed to operate in restriction of Asiatic immigration. The Act empowers the Governor to appoint and remove officers for the purpose of carrying out the provisions of the Act and to define their duties. It is made an offence for a prohibited immigrant to enter or be found in Natal, and the immigrant is liable on prosecution to be removed from the Colony, and to imprisonment, without hard labour, for a period not exceeding six months. The imprisonment, however, is to cease if the alien finds two sureties in the sum of 50*l.* each, that he will leave the Colony within one month. The restriction does not apply to the wife or minor child of any person not being a prohibited immigrant. It is an offence for any person wilfully to assist any prohibited immigrant to contravene the provisions of the Act, or to assist in the entry of any prohibited immigrant. The master and owners of the vessel from which any prohibited immigrant is landed, are liable to a penalty of not less than 100*l.* for every five prohibited immigrants after the first five, the penalties not to exceed 5,000*l.* Execution may be levied on the vessel in satisfaction of any penalty, and it may be refused a clearance until the penalty is paid, "and until provision has been made by the master to the satisfaction of an officer appointed under this Act for the conveyance out of the Colony of each prohibited immigrant who may have been so landed."

Any police officer or other official appointed for the purpose under this Act, may prevent any prohibited immigrant from entering Natal by land or sea.

The Act of the **Cape of Good Hope** (1902) substantially follows the Natal Act in its definition of "prohibited immigrant", but adds another class: "Any person who from information officially received by the Minister from any Secretary of State or from any Colonial Minister, or through diplomatic channels from any Minister of any foreign country, is deemed by the Minister to be an undesirable." Any person immigrating into the colony in violation of the Act is made liable to removal and to be kept in custody pending removal, but, under the Natal Act, there is no other penalty. Nor does it appear whether, or not, an order of a court is required for removal, or whether it can be done by order of an executive officer. There are similar provisions to those of the Natal Act as to the liability of the master and owners of a vessel from which prohibited immigrants are landed and for the liability of the vessel itself.

The principal difference between the Act of the Commonwealth of Australia (1901) and the Acts of Natal and Cape Colony is, that the former contains an additional class of prohibited immigrants, viz.: "Any person under a contract or agreement to perform manual labour within the Commonwealth." Power is reserved to the "Minister for external affairs" to except workmen on the ground of special skill required in Australia. It is also important to notice, that the Statute excludes from the country any person likely, in the opinion of the Minister or of an officer (of Customs to be appointed under the Act) to become a charge upon the public or upon any public or charitable institution, thus making the determination of this class a matter for the decision of the executive officer and not of any tribunal. In other respects the observations made above as to the mode of enforcing the Natal Act, apply also to the Australian Act.

Besides the Commonwealth Act of 1901, the various States of Australia, with the exception of Queensland, have statutes of their own of an earlier date relating to Alien Immigration, which appear to be still in force. The principal point to be noticed is that the laws of **New South Wales, Victoria, Western** and **South Australia,** have provisions for obliging the chartered agent or master of any ship bringing a person of the prohibited class, to execute a bond for a sum not exceeding £500 to cover the maintenance of such person.

New South Wales, Victoria, West and South Australia.

In New Zealand and Tasmania, the Immigration Restriction Acts, respectively of 1899 and 1898, follow the lines of the Natal Act, except that New Zealand does not class paupers or persons likely to become a public charge with prohibited immigrants, and provides that the education test shall not apply to persons of British birth and parentage.

§ 170. United States.

The Regulations of the **United States of North America** relating to the admission of immigrants, comprise the following Acts passed by the United States Legislature:—

By an Act of 1875 the immigration into the United States of women for the purpose of prostitution, and of persons convicted of felonious crimes (not political) was prohibited. An Act of 1882 imposed a duty of 50 cents on each alien arriving by sea from a foreign port, and excluded convicts, idiots, lunatics and persons unable to take care of themselves without becoming a public charge. In 1885 came the enactment prohibiting the immigration of any alien who had entered into a contract to perform labour or service of any kind in the United States. Certain exceptions were made to this general prohibition. Further legislation followed in 1887 and 1888; and in 1891 the Act was passed which remained in force until it was superseded in the present year by the law approved on March 3rd, 1903.

By the Act of 1891, to the classes of persons excluded under earlier laws were added: "All persons likely to become a public charge, persons suffering from a loathsome or dangerous contagious

disease, persons who have been convicted of a felony or other infamous crime or misdemeanour involving moral turpitude, polygamists, and also (with certain exceptions) any person whose ticket is paid for with the money of another, or who is assisted by others to come." Penalties were imposed upon persons bringing into the United States, by vessel or otherwise, aliens belonging to the prohibited classes, and the master or owner of the vessel bringing them was bound under a penalty to take them back to the port from which they came. All aliens belonging to the prohibited classes, or who should become a public charge within a year after landing, were, within that period, made liable to deportation. An officer, called the Superintendent of Immigration, was appointed with a staff of clerks and inspection officers and assistants, whose duty it was to board all vessels carrying immigrants, and there inspect all aliens. "The inspection officers and assistants shall have power to administer oaths, and to take and consider testimony concerning the right of such aliens to enter the United States, all of which shall be entered on record." "All decisions made by the inspection officers and their assistants touching the right of any alien to land when adverse to such right shall be final, unless appeal be taken to the Superintendent of Immigration, whose action shall be subject to review by the Secretary to the Treasury. The Secretary to the Treasury was empowered to make rules for inspection of immigrants along the borders of Canada, British Columbia and Mexico."

In 1894 the poll tax was raised from 50 cents to one dollar, and by the Act of 1903 it has been raised to two dollars, and was extended to arrivals overland. The Act of 1903 consolidates the existing law and still further extends the classes of prohibited aliens by the addition of "epileptics," "persons who have been insane within five years, or who have had two or more attacks of insanity," "professional beggars," "anarchists," and "contract labourers who have been deported within the previous year." Certain changes were made in procedure. If the officer whose duty it is to examine the aliens on landing decides in favour of the admission of any alien, any other Immigration Officer may challenge his decision and bring the alien before a board of special inquiry. "Any alien who may not appear to the examining Immigrant Inspector to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry." These boards consist of three persons appointed by the Commissioners of Immigration at the various ports of arrival. It is their duty to decide whether any alien who has been "held" as above stated shall be allowed to land or be deported; and both the alien and any member of the Board dissenting from the decision have an appeal to the Secretary of the Treasury, whose decision is final. The penalties upon shipowners, masters and others bringing any alien into the United States not duly admitted by an Immigrant Inspector or not lawfully entitled to enter the United States, are largely increased. The

offence is made a misdemeanour punishable by a fine not exceeding 1,000 dollars for every alien "so landed or attempted to be landed," or by imprisonment for a term not less than three months or more than two years, or by both fine and imprisonment. By section 20 the period within which persons who become a public charge from causes existing prior to landing may be deported is extended to two years.

§ 171. Germany and Prussia.

In **Germany** and in most of the States on the frontiers of the Russian Empire, no special regulations for the admission of aliens have been enacted. The law regulating the Passport System of October 1867, which applies *mutatis mutandis* to the German Empire, provides (Art. 2) that foreigners are not required to carry papers of identity either on entering, or on leaving, the limits of the Empire, nor during their residence there, nor in the course of their journeys within the territory. Foreigners, however, as well as subjects of the Empire, are obliged to furnish satisfactory proof of their identity when officially required to do so (Art. 3). On the other hand, if the security of the Empire or of a single State thereof, or if law and order should be threatened in consequence of war, external disturbances or other phenomena, passports may be required by the Imperial Authority either generally, or in particular districts, for the purpose of proceeding from or to certain foreign countries (Art. 9).

In the kingdom of **Prussia** a decree dated January 3rd, 1896, was issued by the Minister of Interior, directing local authorities to keep lists of foreigners residing within their district. "This will render it possible to remove any undesirable elements from abroad immediately on their arrival, and before they have permanently established themselves here." The decree goes on to mention other advantages which will result, and amongst them, the prevention of the inclusion of foreigners in electoral lists, "as frequently occurs on their being called on for military service." It then proceeds to prescribe the particulars of the lists to be kept, and the duties of the police in relation thereto.

§ 172. Bavaria.

In **Bavaria**, by laws of April, 1868, and February, 1872, provision is made for requiring foreigners, as a condition of allowing them to reside in any parish in the kingdom, to produce evidence of their nationality. There are also provisions for the expulsion of foreigners, for specified periods, from the parish in which they reside in the event of their applying for relief and continuing to be without sufficient means of subsistence, or for non-payment of local rates, or, after conviction, for certain criminal offences, or for public prostitution. Where a foreigner has been expelled from any parish under the provisions of the law, the police authorities may expel him from the kingdom during the period covered by the local prohibition, should public necessity appear to require it. "The Ministry of State is empowered to refuse admission into the kingdom to foreigners, or to expel them from Bavarian territory

in the interests of public necessity." There is also a provision for reciprocity in the treatment of foreigners. "The Government has the right to issue a decree subjecting the permission to foreigners to reside to the same restrictive conditions to which Bavarian subjects are subjected with regard to their residence in the country to which the respective foreigners belong."

The laws of the **Grand Duchy of Baden** contain similar provisions. **§ 173. Grand Duchy of Baden.**

In the territory of **Hamburg** there are detailed regulations providing for proof of identity and notification of arrival and departure. **§ 174. Hamburg.**

In **Alsace-Lorraine** there are more stringent regulations requiring passports to be carried by persons coming from the French frontier. There are also provisions for reporting to the police after arrival and for the issue of certificates to persons who intend to take up permanent residence. **§ 175. Alsace-Lorraine.**

In **Würtemberg** newly arrived residents are required to report themselves, and if they are not in possession of sufficient means to support themselves and their family, a declaration is "expected" of the manner in which they propose to defray the expenditure necessary for this purpose. This provision appears to apply to natives as well as foreigners. The refusal of the right to reside rests with the District Council, subject to a right of appeal. **§ 176. Würtemberg.**

In **Switzerland** the laws affecting foreigners are cantonal, but are substantially identical in each canton. In substance any resident foreigner is required to take out a *permis de séjour* within six days of his arrival. If he desires to become domiciled, he must obtain a *permis d'établissement*. These licences are liable to revocation in case of misconduct, insolvency, and other circumstances, which render his presence undesirable, and there is the following general provision (Art. 28): "*Le Conseil d'Etat en vertu de son pouvoir administratif suprême a toujours le droit de renvoyer du Canton les Etrangers dont le séjour pourrait porter atteinte aux intérêts du pays ou à la sûreté de l'Etat.*" The cantonal law gives power of expulsion from the canton, and the expelled person may go to any adjoining canton, leaving the authorities of the canton into which the expelled foreigners may come to deal with him. Here again the expulsion of foreigners is a matter of police administrative regulations under very wide legal powers. **§ 177. Switzerland.**

In **France**, as in Switzerland, by the law of 1849 (Article 1), a permission to establish domicile is required, and the permission may be withdrawn by administrative order at any time before naturalisation. Article 7 gives a general power to the Minister of the Interior to order any foreigner travelling, or resident in France, to quit French territory immediately, and to have him taken to the frontier, and this power may in frontier departments be exercised by the Prefect, on condition of his reporting the case immediately **§ 178. France.**

§§ 173, 17[illegible] 175, 1[illegible] 177, 1[illegible]

to the Minister of the Interior. A law of August 9th, 1893, made further provision for the registration of foreigners who settle in the country with the object of exercising a profession, trade, or industry.

§ 179. Austria.

Austrian legislation contains no regulations for restricting the entry of alien immigrants into the empire either by sea or overland. So long as aliens and their families lead respectable lives, and are not a burden on public charity, they may make their domicile in any municipality in Austria, and are not required to produce any proof relative to their financial resources. On the other hand there exists the right to expel persons whose presence is considered prejudicial to public order and safety.

In Hungary the control of the immigration of aliens is regulated mainly by Ministerial orders, which provide, under penalties, for the keeping of lists of aliens by the Communal Authority, and render liable to expulsion aliens who "have not furnished satisfactory particulars, or cannot prove that they possess sufficient means to support themselves and their families, or whose stay is deemed to be detrimental, with regard to the interest of the State, the public safety and order."

§ 180. Italy.

In **Italy** no special law exists on the subject of the immigration of aliens. The Italian Police Law (Article 90) renders a foreigner liable to expulsion upon release from prison after conviction. It is provided by regulations that, if the Prefect of the Province in which the foreigner is liberated considers that expulsion is not desirable, or if the foreigner is compromised with his own country for political reasons, for evading conscription, for desertion, or for offences for which his extradition has been demanded, the matter must be laid before the Minister of the Interior. A foreigner expelled under Article 90 may not return without special authorisation from the Minister of the Interior, under pain of imprisonment for not more than six months, to be followed by expulsion. Article 92 provides that Prefects of frontier provinces may send back, at the frontier, foreigners who cannot give an account of themselves and are unprovided with means.

CHAPTER XVI.—READMISSION OF RUSSIAN SUBJECTS INTO RUSSIA.

INTERNATIONAL law recognises the right of any sovereign state to expel foreigners, and unless the action is directed against a nation as a whole, *i.e.*, is not limited to single individuals but strikes at all the subjects of a certain State alike or is in contravention of a Treaty, no State can complain of having its subjects returned to it by a Foreign Government. On the other hand, no State is allowed

by International Law to expel its own subjects, and it is regarded as a violation of international comity to expel a foreigner to a country other than his own. The grounds for expelling alien law-breakers are identical with those for which extradition is granted.[1] The exercise of the powers of rejection and expulsion of aliens has been regulated by European countries by informal agreements and by special treaties of expulsion.

§ 181. Re-admission of Russian Subjects into Russia—Agreement with Germany.

Russia has made special treaties on this subject with its neighbouring States, for instance on the 19th/31st August 1872, Notes were exchanged between the **Russian** Minister for Foreign Affairs and the **German** Chargé d'Affaires in St. Petersburg regarding the mutual expulsion and readmission of subjects of the respective States, who have no means of subsistence, possess no passport and commit acts of vagrancy, in accordance with which it has been agreed that :—

1. Russian subjects residing in Prussia, but born in one of the ten Vistula provinces, Warsaw, Radom, Keletz, Sedletz, Lublin, Petrokow, Kalisch, Plotzk, Lomscha, and Suwalki, or in the provinces of Kowno and Courland, as also Prussian subjects who reside in these 12 provinces, are liable to be expelled on the ground of being unprovided with passports, of want of means of subsistence or of vagrancy, in pursuance of direct correspondence between the Prussian frontier authorities (Landräthe) and the chiefs of the Russian frontier district, who act in the capacity of Frontier Commissioners. The fact of the expulsion is first communicated, in Prussia to the Landrath, in Russia to the chief of the particular district into which the person expelled is to be sent, and these officials, after consideration of the circumstances and on the strength of the identification papers, grant permission for him to be admitted to a specified place.

2. When the person liable to be expelled possesses identification papers which are in good order, or have not lapsed more than a year previously, correspondence between the Landrath and the District Chief is not required, and the Landrath or the District Chief, as the case may be, is obliged to admit the expelled person without further formalities, if only his papers conclusively show his birthplace, or place of origin, and are of unquestionable authenticity.

Further, on the 29th January 1894, **Russia** concluded a treaty with **Germany** on the subject of repatriation, the terms of which are as follows :—

Art. 1. Both contracting parties bind themselves to re-admit those of their former subjects who, having lost their nationality by residence abroad, by an act of expatriation or for any other reason, whatever, have not acquired another. It must, however, be understood that readmission will not be granted to persons born after their parents had already lost their nationality and who, for that reason, have never possessed it themselves.

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[1] *See* "Extradition."

Art. 2. Persons who are to be repatriated will be readmitted after direct correspondence between the frontier authorities of Russia and Germany. The return of a person must be notified in advance to the frontier authority within whose district the readmission is to take place, and he, after considering the circumstances and examining the papers of legitimation, will give his consent to the readmission of the person at a place to be indicated.

Art. 3. No preliminary correspondence is necessary in case of repatriation of individuals provided with genuine and valid papers, or with papers the validity of which has not expired more than one year previously, or in cases where there is no room for doubt that the person to be repatriated is really of the nationality he claims to be or that he was of it formerly. In all such cases the frontier authorities are bound to readmit him without any further formalities.

Art. 4. Correspondence through diplomatic channels is necessary in cases where the frontier authorities fail to arrive at an agreement as to the repatriation of any person, and also in those cases where the decision of the frontier authorities is disapproved of by the superior authorities of the country of origin.

§ 182. Austria-Hungary.

Notes were exchanged on the same subject on the 1st/13th December 1886, between the **Russian** Ministry of Foreign Affairs and the **Austrian-Hungarian** Ambassador, in accordance with which, similar stipulations were agreed to as in the notes and treaty previously mentioned between Russia and Germany. Any person who, in accordance with the said treaty with Austria-Hungary, is to be re-admitted without any previous correspondence whatever, must be brought to the Customs Office situated either at Sandomir, Tomassew, Radsivilovo, Voloczysk, Hussiatin, or Novosselitzy for admission into Russia. In the case of Russian subjects who are not natives (naturalised Russian subjects) and of those who are natives of the Governments of Petrokovo, Kielce, Radom, Lublin, Volhynia, Podolia, and Bessarabia repatriation must be arranged by correspondence through diplomatic channels.

§ 183. Sweden and Norway.

The subject of the repatriation of tramps, beggars and criminals is dealt with more particularly in the Convention between **Russia** and **Sweden** and **Norway**, concluded on the 15th/27th December 1860, by which it was agreed, that:

Art. 1. All tramps, beggars or criminals born within the Russian Empire or the Grand Duchy of Finland and proceeding to Sweden or Norway, and all persons belonging to either of these categories, and born in Sweden or Norway of a father who is a subject of the Russian Empire, or of the Grand Duchy of Finland, can, on their being formally recognised as Russian or Finnish subjects by documents issued by the Imperial Legation at Stockholm, be sent back to their own country, without formal application to the Imperial Government of Russia, and their readmission there is obligatory, provided that they have not been employed in the public service or engaged in farming or any other useful occupation

or profession in the country from which it is proposed to expel them, or that their case does not constitute one of the exceptions provided for in Art. 7 of this Treaty. The nationality of any person whose repatriation is effected in this manner must first of all be established, either by documents in his or her possession, or, in their absence, by information to be supplied by the respective authorities in accordance with the terms of the following articles. The term "criminal" comprises all persons who, in the one country or the other, have been convicted and sentenced by courts of law for crime, misdemeanour or infringement of the law.

Art. 2. If it is impossible to ascertain the place of birth of an individual to be repatriated, he is regarded as belonging to the land in which, according to the preceding article, he has tried to do useful work, either in the public service or in a private capacity. If this last circumstance is also impossible of verification, he is re-admitted into that country from which it shall appear, from proofs at hand, that he came, in the first instance, to the country which refuses to grant him the right of domicile.

Art. 3. Before a person belonging to the above-mentioned categories can be sent from one of the contracting States to the other, all possible particulars must be procured regarding the circumstances specified in the preceding articles and, in the absence of other proof, the taxation lists and parish registers must be consulted.

Art. 4. The Governors, or the competent authorities of the province where an individual of the class described has been arrested, must make all the necessary inquiries with the greatest possible care and promptness. If, in the course of these investigations, it should be necessary to obtain information from the authorities of the other State, the correspondence dealing with the matter must be conducted through the medium of the respective Ministries of Foreign Affairs. In order to simplify the relations of adjoining provinces, however, it has been agreed that the Governors of Stockholm and North Bothnia in Sweden and the Amtmann of Finmark in Norway on the one side, and the Governors of the provinces of Uleaborg and Abo-Bjorneborg, and the competent official of the Government of Archangel on the other, are authorised to correspond directly with each other regarding individuals arrested in the provinces under their administration or in those immediately adjoining them.

Art. 5. In all such cases, detailed protocols must be drawn up by the governors of the provinces, or by other competent authorities, and when a vagrant, beggar, or criminal is sent back by one of the contracting States into the territory of the other, an extract of the protocol, stating the decision and the motives, must be annexed to the passport, together with the document, if there be one, on the authority of which the individual in question had resided in the country from which he is being expelled.

Art. 6. If the conditions of the preceding article have been duly observed, the governors, commandants, or other competent authorities are obliged to readmit the individual sent to them. If they have any representations to make on the subject these must be addressed to their respective Governments.

Art. 7. If a vagrant, beggar, or criminal bring with him a wife or children, they will be dealt with in the same way as himself, *i.e.*, without reference to the place of their birth or to the time of their arrival in the country. It is, however, to be understood that if a vagrant, a beggar, or a criminal contract a marriage subsequently to his arrival in the country and with a subject of that country, the dispositions of the present convention do not apply to his wife or children.

Art. 8. The expenses of transport and of maintenance of individuals sent to the frontier of the country from which they are to be expelled are borne by that country; from the moment, however, when they are handed over at the frontier, all expenses are paid by the country into which they are readmitted.

§ 184. Indelible Character of Russian Nationality.

In some States, as for instance in Germany, special permission to reside is given to every Russian subject who remains in the State for some time, and the granting of this permission is often made subject to a written assurance from the Russian Consulate that the Russian subject in question, in case of his returning to his native country, will be readmitted there, and not perhaps sent back to become a burden to the German Empire. The readmission of Russian subjects into Russia is definitely assured by the indelible character of their Russian nationality. No Russian subject can cease to be such without the special sanction of His Majesty the Czar, so that, if a Russian subject is able to prove his identity as such, his right to readmission is beyond question. In practice, however, re-admission is rendered difficult in cases where papers of identification are wanting. Russian subjects who possess no such papers whatever, are liable to be turned back on the Russian frontier, or in a Russian port. They must therefore, before returning to Russia, apply to a Russian Consulate, which makes enquiries of the Home authorities, at their expense, by letter, or in urgent cases, by telegram, as to their Russian nationality and can, if the replies are satisfactory, give them a certificate which will enable them to return home.[1]

§ 185. Diplomatic Channels.

In the case of local authorities making application to Elective Consuls for the re-admission of persons to the States to which they belong, either for one or other of the reasons enumerated above, or on account of lunacy, or, in general, because such persons have become chargeable to the said authorities, the Elective Consular Officers must report the matter to their State Consuls, and the latter to the Legations or Embassies to which they are subordinate, to be dealt with through diplomatic channels. It is to be borne in mind,

[1] *See* under heading "Passports for Russian subjects," Part IV., Chap. III.

however, that, generally speaking, Russian Consular Officers are not entitled to pay the expenses of repatriation of Russian subjects to their own country; it appertains, rather, to the local Government to send undesirable aliens out of the country, as foreigners in international law are regarded as *subditi temporarii*, temporarily subjects of the country in which they reside.[1] In the year 1900, at Newcastle-upon-Tyne, a Russian subject was arrested for vagrancy and begging, and was brought before the magistrates. It transpired that he had deserted from a Russian steamer on which he was employed because, in his opinion, the food he received on board of her was bad. He had wandered about in Newcastle and the neighbourhood for months, had no papers to prove that he was a Russian seaman, and had never presented himself at the Russian Consulate to be sent back to his country. The bench applied to the Consulate, requesting to be relieved of the man, and invited the Consulate to find him employment or to send him back to Russia. The Consulate refused to interfere in the matter, as it is the business of the local government to deal with vagrants, of whatever nationality. As a matter of fact, Russian Consuls are not entitled to deal with deserters who have not made a direct and personal application to the Consulate requesting to be sent home, and who have come to the country with the express intention of taking up a permanent residence there. Moreover, as Russian Consuls have no power to send Russian subjects under police convoy to Russia, there is no certainty that men sent to Russia will actually go there; experience proves, on the contrary, that money paid to them for that purpose is generally expended in further travelling and in visits to other Consulates with petitions for pecuniary assistance. If, therefore, the British or other police arrest unemployed Russian subjects for vagrancy, it is not the duty of Russian Consular Officers to provide for their repatriation. The position of Russian Consular Officers in the matter does not differ from that of the representatives of other States.[2]

§ 186. Subditi Temporarii.

Emigrants returning from America or Africa to Russia, are entitled to receive a sufficient sum of money from Russian Consuls to enable them to reach their native place, but this help is not given them unless they are wholly without means. Consuls must be careful not to give money to idlers travelling without any real intention of returning to Russia, nor to persons who do not belong to the Christian faith. Elective Consuls send a report of their outlay to the State Consul in whose district they are and he, in such matters, must apply to the II. Department of the Russian Ministry of Foreign Affairs.

Emigrants who have left Russia without foreign passports, can obtain a certificate from a Russian State Consul enabling them to return to Russia, if they can produce any other documents proving

[1] *See also* "Lunatic Russian Subjects abroad," Part V., Chap. IX.

[2] The case of sailors to be sent home to Russia is dealt with in Part VI., Chap. XVI.

their identity, *e.g.*, home passports, certificates of military service, &c. If they have no such documents, and if the Consul has not strong reasons for believing that they are really Russian emigrants returning to their native place, the Consular certificate permitting them to return to Russia can only be granted if the truth of their declaration as to nationality and personal particulars has been ascertained by application, either by letter or telegram, to the Russian Home Ministry or to the district authority.[1]

The Consular certificate must also show the amount of money given by the Consul to the emigrant.

CHAPTER XVII.—EXTRADITION.

§ 187. Extradition.

EXTRADITION is granted in cases of prosecution or conviction for offences committed outside the territory of the State in which the offender is residing, if the laws of both the States concerned punish the offence with not less than twelve months imprisonment.

No State delivers its own subjects.

§ 188. Austria, Bavaria, Belgium, Great Britain, Hesse-Darmstadt, Denmark, Italy, Monaco. Netherlands Portugal, Germany, Switzerland.

Extradition treaties have been concluded by **Russia** with **Austria**, on the 15th October 1874; with **Bavaria**, on the 26th February 1869; with **Belgium**, on the 4th September 1872; with **Great Britain**, on the 24th November 1886; with **Hesse-Darmstadt**, on the 15th November 1869; with **Denmark**, on the 14th October 1886; with **Italy** on the 24th April 1888 and the 13th May 1871; with **Monaco**, on the 5th September 1883; with the **Netherlands**, on the 13th August 1880; with **Portugal**, on the 10th May 1887; with **Germany**, on the 13th January 1885; and with **Switzerland**, on the 17th November 1873.

The grounds upon which extradition is granted are nearly identical in all the treaties. According to the treaty with **Great Britain**, they are:—

1. Murder, attempted murder, or conspiracy to commit murder.
2. Manslaughter.
3. The manufacture and utterance of counterfeit money, or defacement of the currency.
4. Forgery and falsification, or the circulation of that which is forged or falsified.
5. Embezzlement or theft.
6. Destruction or damage to property, if the offender is liable to criminal or correctional punishment.
7. Obtaining money, or other objects, by fraud or false pretences.
8. Offences against the bankruptcy laws.

[1] Circular of the II. Department of the Ministry of Foreign Affairs of 24th April 1893, No. 3145. *See also* "Passports for Russian Subjects."

9. Fraud (abuse of confidence) on the part of managers, bankers, agents, commission-agents, guardians or trustees, or by the directors, members or officials of public companies, if the offence is punishable under existing laws.

10. Perjury, or the suborning of witnesses.

11. Rape.

12. Sexual intercourse with a young girl under sixteen years of age, and the attempt to commit such offence.

13. Attempted outrage, with violence.

14. Premeditated use of drugs or instruments for the purpose of causing abortion.

15. Abduction.

16. Kidnapping of children.

17. Illegal detention or imprisonment.

18. Forcible or clandestine entry into a building, occupied or unoccupied, with criminal intent.

19. Incendiarism.

20. Robbery with violence.

21. Wounding, or the infliction of grievous bodily injuries.

22. Blackmail.

23. Piracy.

24. Scuttling, stranding or destroying a ship or vessel on the high seas, or any attempt or conspiracy to do so.

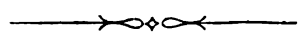
25. Any act of violence committed on board of a ship or vessel, with the intention of committing homicide or inflicting grievous bodily injury.

26. Mutiny or conspiracy of two or more persons on board of a ship on the high seas.

27. Traffic in slaves, in so far as it is punishable in accordance with the laws of both countries.

Extradition is granted also in the case of complicity in the crimes enumerated, if such complicity is punishable according to the laws of both countries.

Extradition may also be granted, at the discretion of the State of whom the demand is made, for any other crime, if only it is in agreement with the laws of both countries.



CHAPTER XVIII.—NATURALISATION.

§ 189. Naturalisation, Russia.

NATURALISATION in Russia is regulated by the law of the 10th February 1864, according to which domicile in Russia must have lasted at least five years. After this every foreigner is entitled to petition the Russian Minister for Home Affairs, stating :—

1. The names of the places where he has resided since he entered Russian territory, and the nature of his occupation or trade, and enclosing such certificates of respectability as he may possess;

2. The class of society or community in which the applicant is entitled to be enrolled;

3. The town or city where he desires to take the oath of allegiance;

4. The reasons for his request that the condition of five years residence be waived, if such a request is made.

The petition must be accompanied by :—

1. A certificate of registration from the authorities of the petitioner's native country, giving his age, occupation, &c., and legalised by the proper Russian Legation or Consulate;

2. A certificate as to his settlement in Russia;

3. If the person who is desirous of becoming naturalised is at the time a subject of a State with which Russia has concluded a convention in regard to the fulfilment of military duties by the subjects of the respective States, he is required to produce a certificate from the competent authority to the effect that he has fulfilled his duties or is exempted from doing so.

Special rules must be observed in cases of naturalisation of the subjects of the **Khanates of Central Asia**, and of **China** and **Corea**.

The five years residence period is reduced :—

1. To persons whose services are useful to the Russian Empire; to persons who have acquired celebrity in the arts or sciences, and to those who have invested money in Russian undertakings which are of public benefit. This must, however, be substantiated, at the request of the applicant, by the Minister for Home Affairs;

2. To children of foreigners born in Russia, or to such children who, although not born there, were educated at Russian educational establishments. These are permitted to take the oath of allegiance during the first year after they come of age (21 years);

3. To persons who are in the Russian State Service, and to ministers of religion of other than the Orthodox Greek faith, who have been engaged for service in Russia by the Minister for Home Affairs; persons of this class are at liberty to become Russian subjects at any time;

4. Russian female subjects married to foreigners can, on being divorced or widowed, regain their Russian nationality at any time

without taking the oath. In all other cases the oath of allegiance is an indispensable condition of naturalisation.

Children of Russian female subjects married to foreigners have the right, on coming of age, to take the oath of allegiance to the Russian Emperor.

Naturalisation is always personal, and does not extend to children born before the naturalisation of the parents. On the other hand, children born after the naturalisation of the parents in Russia are, *ipso facto*, Russian subjects.

Naturalisation is not accorded to Dervishes, Jesuits, married women who wish to be naturalised without their husbands, or to Jews.

A foreigner, on being naturalised in Russia, acquires all the civil and political rights of a native Russian. There is no difference between the rights of a born and a naturalised Russian subject.

§ 190. Finland.

In the Grand Duchy of **Finland**, special regulations exist as to naturalisation proceedings. In accordance with these, a foreigner who desires to be naturalised must be of the Christian faith and of unblemished character; he must have attained his majority and be able to prove that he is able to maintain himself, and that he has resided in the country at least three years. He is, further, required to give a written undertaking to fix his abode in Finland, and to pay a sum of 1,000 roubles for the benefit of the hospitals and workhouses of Finland. Under certain circumstances, proof may be required that the original nationality of the foreigner has been cancelled, and that nothing stands in the way of his being naturalised. A person who is naturalised in Finland enjoys the same rights as a born Finnish subject, but he can only exercise the elective franchise for the diet, or be elected himself, after he has been inscribed on the registers as a taxpayer for three years and, as a rule, he is not eligible for State employment.[1]

§ 191. Relinquishment of Russian Nationality.

A change of nationality by a Russian cannot be effected without the special permission of his Majesty the Emperor. Persons over 15 years of age can only obtain this permission after they have served their term of military service.[2] To obtain the Imperial consent to a change of nationality, a petition, which does not require to be stamped, must be addressed to his Majesty the Emperor of All the Russias, and sent to the Commission for Petitions at St. Petersburg. The petitioner must explain in it the reasons which induce him to take the step. He must also append his passport and give his address. He receives the answer through the Russian Consul in whose district he resides. As petitions of this kind are brought before the notice of his Imperial Majesty only twice a year, and as they must pass through several

[1] "Mechelin: Staatsrecht des Grossfürstenthums Finland, II. Abschnitt, II. Cap. § 8, herausgegeben von Marguardsen im Handbuch des öffentlichen Rechts, Freiburg."

[2] Law of General Military Service of 1874, Art. 3.

ministries, they necessarily take time. It is advisable for the petitioner who has sent his passport with the petition as above, to be in possession of a document proving his identity during the time he is awaiting his reply. Some Russian State Consulates, therefore, adopt the following practice:—

The petitioner presents the petition with his passport and an envelope addressed to the Commission of Petitions of His Majesty the Emperor of Russia to a Russian Consul, with a request for a certificate in which is set forth that the petitioner's passport has been sent by him with a petition praying for permission to give up his Russian nationality. Such a certificate, which allows of his return to Russia, will be given him by the Russian Consul after he has received the petition and the passport, which are forwarded by the Consul to the Commission at the expense of the petitioner.

Special permission from His Majesty the Emperor is indispensable in order to avoid prosecution and punishment under Arts. 325, 326 and 327 of the Russian penal code, which provides that:—

"Whoever shall leave his country and, without permission of the Government, take service in a foreign country, or become the subject of a foreign power, shall be made answerable for so breaking his oath of allegiance and be liable to deprivation of all rights of citizenship and to perpetual banishment from the country. If he should come back to Russia without permission, he is liable to be arrested and transported to Siberia for colonisation.

"Any person absenting himself from Russia and failing to return on being summoned to do so by the Government, shall be liable to the deprivation of all rights of citizenship and to perpetual banishment from the country, unless he is able to prove, within a period fixed by the court, that such non-compliance with instructions was due to circumstances either wholly or partly exonerating him from blame. Until he is able to do this he is regarded as one whose place of residence is unknown and his property is placed in trust on the basis of the Civil Laws applicable to the case.

"Any person absenting himself abroad for a longer period than he has had permission for and without showing sufficient reason for so doing or obtaining permission from the authorities to extend his leave, is also classed as one whose residence is not known, and his property is placed in charge of trustees."

§ 192. **Great Britain.**

Foreign legislation as to naturalisation sometimes conflicts with the Russian law on the subject. For instance, according to English law, as expressed in the Naturalisation Act of 1870, a foreigner who has lived five years in the United Kingdom, or who, during a like period, has been abroad on British service, is entitled to take out papers of naturalisation, the Home Secretary admitting a Russian subject to naturalisation regardless of whether he has been permitted by His Majesty the Russian Emperor to lay aside his Russian nationality or not. A Russian subject, therefore, who has taken out papers of naturalisation in Great Britain without having first

obtained the express permission of His Majesty the Emperor to divest himself of his Russian nationality, remains a Russian subject in so far as Russia is concerned, his naturalisation being null and void in the eyes of Russian law, and not even the British Embassy at St. Petersburg could interfere in his behalf if he returned to Russia.

CHAPTER XIX.—CONVERSION OF JEWS TO CHRISTIANITY.

§ 193. Conversion of Jews to Christianity.

RUSSIAN subjects of the Jewish religion who wish to adopt the Evangelical Protestant Faith abroad, must address a request for permission to do so to the Department of Religious Affairs of Foreign Faiths of the Russian Ministry of the Interior, with two stamps of the value of 60 copecks each, or 1 rouble 20 copecks in money. Permission will then be given (according to Point 1, Addenda to Art. 7 of the Svod Zakonov, Vol. XI., part 1, edition of 1896), through the Russian Consulate of the district for their baptism by a Lutheran clergyman; the certificate granted by the clergyman, certified by a notary public, must then be legalised by the Russian Consul.

Jews who wish to adopt the Greek Catholic Faith do not require to obtain special permission to do so from the Department of Religious Affairs of Foreign Faiths.

CHAPTER XX.—MONEY REMITTANCES TO RUSSIA.

BOTH Russian subjects and foreigners frequently apply to Russian Consular Officials for information as to the best means of sending money to Russia. It is, therefore, desirable that Russian Elective and State Consuls, in order to enable them to advise applicants, should be possessed of all the available information on the subject.

§ 194. Postal Regulations for Money Remittances to Russia.

The Russian postal regulations forbid the sending in envelopes of coins or of any article that is subject to import duty. Such articles are, therefore, liable to be confiscated by the Russian postal authorities. As Russian paper money is specially named in the Postal Union Convention as an article that is subject to import duty, it is liable to confiscation even when the envelope which covers it is registered. Foreign bank notes (not coin) are

not liable to duty, and there is no objection to their transmission from abroad through the post. They must be sent in insured envelopes on which the value of the enclosure is declared, and the following rules must be observed:—

1. Insured letters will have all the safeguards of the registration system, and, subject to the following regulations, compensation will be paid if they or any of their contents are lost in the post.

2. Postcards or packets of "Printed Papers" or "Commercial Papers" or Sample Packets cannot be insured. The letters to which the insurance system is specially applicable are those which contain bank notes, bonds, coupons, securities, &c.

3. Letters intended for insurance must be presented at the counter of a post office. They cannot be posted at railway stations, and must not be dropped into a letter box or handed to a postman or mail cart driver.

4. Insured letters may not contain coin, anything made of gold or silver, precious stones, jewellery, or any article liable to customs duty in the country of destination.

5. Insured letters must not be addressed to initials or in pencil.

6. Every letter packet tendered for insurance must be enclosed in a strong cover, which must be securely fastened and sealed with fine wax, in such a way that it cannot be opened without either breaking the seals or leaving obvious traces of violation. Envelopes with black or coloured borders must not be used. Seals must be placed over each flap or seam of the cover of a packet; and if the packet is tied round with string or tape, a seal must be placed on the ends where they are tied. The seals should be placed on the back of the envelope; one in the middle and one in each corner.

7. All the seals on a letter must be of the same kind of wax, and must bear distinct impressions of the same private device. Coins must not be used for sealing; and the device must not consist merely of straight, crossed, or curved lines which could readily be imitated.

8. If a letter tendered for insurance does not, in the opinion of the officer of the post office to whom it is tendered, fulfil the foregoing conditions as to packing and sealing, it is his duty to refuse to insure it. Nevertheless the onus of properly enclosing and sealing the letter lies upon the sender; and the Post Office assumes no liability for loss arising from defects of the cover or the seals which may not be observed at the time of posting.

9. The amount for which a letter is insured (which must not exceed its actual value) must be written by the sender both in words and in figures at the top of the address side of the cover, thus:—"Insured for fifteen pounds (£15), 378 francs." No alteration or erasure of the inscription is allowed. If a mistake is made, the entry must be completely obliterated and an entirely new one made by the sender.

10. The sums payable for insurance are as follows:—

Fee. s.	Fee. d.	Limit of Compensation. £	Fee. s.	Fee. d.	Limit of Compensation. £
–	5	12	1	5½	72
–	7½	24	1	8	84
–	10	36	1	10½	96
1	0½	48	2	1	108
1	3	60	2	3½	120

§ 195. Bankers' Drafts for Money Remittances to Russia.

Another method of sending money to Russia is by obtaining from a local banker a draft on a bank of international importance, such as the Bank of England, in the name of the payee in Russia. The amount is paid to the banker on receipt of the draft, and the draft can then be sent to the payee under registered cover, and the latter will be paid the amount on presenting the draft duly endorsed by himself to a Russian bank.

§ 196. Postal Orders.

Postal orders may be sent to Russia from **Austria-Hungary, Germany, France,** and **Switzerland,** provided the following regulations are observed:—

1. Money may not be sent by telegraph order.

2. In sending money by postal orders special printed forms must be filled in, stating the amount to be sent in Russian roubles, and giving the name and address of sender and receiver; and no remarks or communications are allowed to be added.

3. The amount of money to be sent must not exceed 100 Russian roubles, and foreign money is taken by the Post Offices of the respective countries at the following rates of exchange:—

1 crown (in Austria-Hungary)	39·377 copecks.
1 mark (in Germany)	46·293 „
1 franc (in France and Switzerland)	37·5 „

4. If a postal order is lost in the post the sender is entitled to ask for a duplicate, or for the reimbursement of the amount of the same within a period of one year, counting from the day of the sending of the postal order.

PART VI.

Duties connected with Vessels under the Russian Merchant Flag.

CHAPTER I.—Duties on Arrival.

The right of Russian merchant vessels to trade in foreign waters is secured by a series of special treaties, according to which such vessels, when in the waters of the contracting States, either enjoy the rights of the most favoured nation or are placed on an equal footing with vessels of the native merchant fleet, being only required to comply with local customs, police and other regulations and to pay the ordinary dues and charges.

§ 197. Russia's commercial treaties.

Such treaties have been concluded by Russia with the **United States**, on the 6th/18th December 1832; with the **Netherlands** on the 1st/13th December 1846; with **Greece** on the 12th June 1850; with **Belgium** on the 28th May/9th June 1858; with **Great Britain** on the 31st December 1858/12th January 1859; with **Austria** on the 2nd/14th September 1860 and the 6th/18th May 1894; with **Turkey** on the 22nd January/3rd February 1862; with **Italy** on the 16th/28th September 1863; with **France** on the 20th March/1st April 1874; with **Peru** on the 4th/16th May 1894; with **Servia** on the 15th October 1893; with **Germany** on the 29th January/10th February 1894; with **Japan** on the 27th May 1895; with **Portugal** on the 27th June/9th July 1895; with **Bulgaria** on the 2nd July 1897.

§ 198. Arrival of Russian vessels at foreign ports.

On the arrival of a vessel under the Russian flag at a port where a Consular Officer is stationed, or at a port which is not more than 10 versts from his place of residence, the captain must present himself at the Consulate to report the ship and to execute the formalities of clearing her in and out. If the distance is greater than ten versts captains are excused from reporting the ship, on account of the expense and the loss of time they would incur.

§ 199. Captain obliged to report himself at Consulate.

The Consul is entitled to summon the Captain to appear before him at the Consulate and the Captain is bound to comply with this summons immediately after he has secured his vessel, and not later than four-and-twenty hours after his arrival.[1]

If the Captain fails to appear at the Consulate within 24 hours, the Consul must either proceed on board himself or commission the Vice-Consul or Secretary to do so, or he may, if he considers it necessary, request the assistance of the local authorities to summon the captain to comply with the Regulations.

[1] Cons. Reg., Art. 49.

The Consul, Vice-Consul, or Secretary, must draw up an official report in respect to this summons, in the presence of the captain and the mate, and sign it with them. If, after this, the captain doet not immediately go to the Consulate to present his papers, and to make his declaration, he must pay a penalty not exceeding five roubles, for the benefit of the Treasury. He is, however, not liable to any fine if he can prove that circumstances beyond his control have prevented him from leaving the ship.

Should the Captain not be able to pay the fine, it will be collected from the owner of the ship, who according to law is responsible for the deeds and acts of his captain.[1]

During the stay of a Russian ship in a port of his district, the Consul may summon the captain and crew to appear before him whenever he has anything to communicate to them, or requires any explanation or information, or when he has occasion to interrogate them in respect of complaints made against them, or to take their depositions as witnesses. The Captain and the crew cannot refuse to appear when thus summoned.[2]

The following are the papers which the captain of a Russian or Finnish ship is required to produce at the Consulate:

§ 200. Producing ship's papers at Consulate. Clearing in.

1. The Builder's Certificate or Bill of Sale of the vessel (bilbref).
2. The Flag Patent.
3. The crew list (muster roll).
4. The measure brief (mäte-bref); charter party, if the whole cargo is from one shipper, and all bills of lading (connoissements) if loaded by several; and the log-book, if required by the Consul.

If the Consul does not require the log book to be produced, he must at least require of the captain an exact report of the voyage. This report must state as precisely as possible the place and time of departure, the course taken, all circumstances worthy of attention which may have come under his notice or on which he may have gathered information, as for example: newly marked sandbanks and rocks; newly erected lighthouses; disasters, &c., the fleets, squadrons, ships of war he may have met, and ships which may have appeared suspicious; alterations of sanitary, customs or anchorage regulations in the ports into which he may have put, in fact everything which may have come to his knowledge as noteworthy, or which may be of interest to Russian commerce and shipping. It rests with the Consul to decide whether the contents of the captain's report should be entered in Book VIB. or not. In the latter case the captain must sign his name to the report.[3] An entry is made by the Consul in Book VIA. giving all the particulars as required by that book.[4]

The ship's papers as above are only produced by the captain and retained at the Consulate if the ship enters the port for purposes of commerce, *i.e.*, to load or discharge a cargo. If the vessel only puts

[1] Cons. Reg., Art. 53. [2] Cons. Reg., Art. 54.
[3] Cons. Reg., Art. 49; Mar. Code of Finland, Art. 6. [4] *See* Part I., Chap. XI.

into a port to take provisions or water, or for orders, &c., it is sufficient for the captain to present himself with his papers. When only putting into a port where there is a Consular Officer, the captain must send a statement to the Consul giving his reasons for so doing. If his stay last longer than 24 hours, he must produce his papers at the Consulate and pay the customary fees in accordance with the tariff, and particularly with that section of it which refers to the compulsory putting into port of Russian merchant vessels.[1]

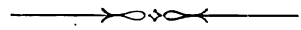
The Consul must assure himself that the ship's papers and those relating to the cargo and the passengers' passports, are in order.

He may, if he considers it necessary, examine the provisions and the medicines, and if he finds them satisfactory he must certify to that effect in the certificate of arrival.

Should the ship's papers, or those of a passenger, not be in order, the Consul must act according to circumstances. If he finds that the provisions and medicines are insufficient or of inferior quality, he must devise means to remedy this. In all such cases he must report to the Imperial Legation or Embassy, and to the Central Board of Mercantile Shipping and Ports, or the Governor-General of Finland, as the case may be.[2]

§ 201. Captain's duty to observe local regulations.

Arts. 240 and 346 of the Russian Trades Regulations prescribe that the captains of Russian merchant vessels, on their arrival at a foreign port, must inquire as to the laws regulating commerce and shipping which are in force at that port, and also as to the customs, quarantine, and other local regulations, usages and customs, and must comply strictly with them all. It is the duty of the Consular Officer to see that these regulations, &c., are properly carried out and to provide Captains of Russian vessels with the requisite information and guidance.[3]



CHAPTER II.—DUTIES ON SAILING.

§ 202. Sailing of Russian vessels from foreign ports.

EVERY Russian captain when ready to sail from a foreign port where there is a Russian Consular Officer, is required to present himself at the Consulate for the purpose of making his declaration. The Consular Officer enters in Book No. VI. the particulars relating to the ship, using the prescribed form. He then attests, free of charge, the ship's bill of health and the crew-list, recording in the latter any changes that have been made, while in port, by desertion, discharge, signing on, or death, in the composition of the crew; legalises, gratis, any certificates of service, discharges &c., which the captain may give to members of his crew when signing them off the crew-list, and collects the lawful ship and tonnage dues and

[1] Cons. Reg., Art. 50. [2] Cons. Reg., Art. 52.
[3] Cons. Reg., Art. 56.

the fees for such changes in the crew-list, giving the captain a certificate of inward and outward clearance of which the following is a convenient form :—

Certificate of inward and outward clearance.

No. 1/7.

Certificate of Inward and Outward Clearance.

Captain P. I. Ivanoff, commanding the Russian merchant steam vessel "Baikal," 1,712 tons net register, arrived at the Port of Newcastle-on-Tyne on the 5th/18th May 1904, from Valencia, with cargo, and, at his request, to-day received clear papers to sail for Gibraltar, with cargo.

Account of Consular fees received :

—	Rbls.	Cop.	£	s.	d.
Shipping dues - - - - -	4	50	—	9	7½
Tonnage dues - - - -	25	68	2	14	5
Three changes in crew list - - -	2	25	—	4	10½
Total - -	32	43	3	8	11

Newcastle-on-Tyne,
10th/23rd May 1904

Imperial Russian Consul :
(Signature of Consular Officer.)

Consular Seal.

The Consul must on his own responsibility prepare and deliver their papers to the captains of ships that are ready to sail, not later in any case than 24 hours after the captain applies for them. It is, however, desirable that the formalities of clearing the vessels out should be performed by the Consular Officer as soon as possible after application is made to him. The captain who is first to make his declaration is entitled to be dispatched first.

§ 203. Clearing out of vessels.

If a ship is bound for a port the entrance to which is closed by a blockade, a prohibition, or some other obstacle, the Consul must inform the captain of the fact, and, if possible, point out to him another port in the same country whither he can proceed without danger.

If by order of a foreign authority, an embargo is laid on a ship or her cargo, the Consul must use all proper means to have it raised as soon as possible, and to secure a just indemnity for those entitled to it. At the same time he must bring the case to the knowledge of the Ministry for Foreign Affairs and the Imperial Legation, and he must take care to keep the crew in good order.

If sailors of Russian ships about to sail are arrested for debt, the Consul must interfere to get them liberated on the captain's security, if the latter consents.[2]

[1] Cons. Reg., Art. 59. [2] Cons. Reg., Art. 60.

CHAPTER III.—Duties of Captains.

§ 204. Captain's duties.

It is the duty of the captain of a vessel to be considerate and kind in his behaviour to the members of the ship's crew, showing them an example of good temper and conduct, sobriety, industry and devotion to duty in order to merit the respect and obedience of his subordinates.[1] Before proceeding on a voyage the captain of a ship is obliged to stock the vessel with a complete and sufficient quantity of good and healthy provisions such as are used by seamen when at sea, and so to estimate the quantity as to allow for possible delays on the voyage in order not to be compelled to call at ports on the way to replenish the stock and thereby increase the costs of the voyage. He must see that the provisions are suitably stored according to their different natures, so that they do not spoil on the voyage.[2]

The captain of a vessel is forbidden to inflict corporal punishment on a member of the crew except in the case of slowness in obeying his orders and instructions, in time of danger to the ship, masts, sails, or tackle. In such cases he is permitted to inflict not more than five blows with a rope or switch.[3]

§ 205. Finland.

As to Captains of **Finnish** vessels, the Finnish Regulations of the 30th March 1848 provide (Part IV. Art. 4) that such captains must be careful to provide a sufficient quantity of suitable food and drink for their crews, that sick men are to be properly looked after, and that the crew are to assemble in the morning and evening for common prayer.

CHAPTER IV.—Duties of Sailors.

§ 206. Sailors' duties.

The duties of sailors towards the captain are as follows:—(1) to remain on board the vessel from the moment they sign articles till they formally receive their discharge, and during the whole period of the voyage, and not on any account to leave her without the knowledge and consent of the captain. (2) To obey the captain in all that relates to their duties or work. (3) To make themselves acquainted with their duties and to execute promptly and accurately all orders proceeding from the Captain and relating to their duties or behaviour.[4]

Every member of the crew is further obliged, under the terms of the agreement signed by him, to obey the captain and other officers of the ship so long as that agreement is in force, whether at sea or on land, on board the vessel or in the ship's boats, in all that relates to their duties as members of the crew and with regard to

[1] Trade Reg., Art. 274.
[2] *Ibid.*, Art. 275.
[3] *Ibid.*, Art. 281.
[4] *Ibid.*, Art. 259.

the safeguarding or preservation of the vessel, its appurtenances and cargo. The crew must be sober, industrious, willing and careful.

In case of danger to the ship or cargo, every member of the crew must do his utmost to avert the danger. If, however, in spite of all efforts to save them, part of the ship or cargo is destroyed, either by fire or otherwise, every endeavour must be made to save the remainder.[2]

Every member of the crew, if ordered to do so by a superior officer, must work at the pumps and otherwise help to bale water out of the vessel, being liable, in default of so doing, to have a deduction made from the wages due to him of a sum proportionate to any damage or injury that may result to the ship or cargo.[3]

Members of ships' crews are forbidden to enter the holds of the vessels with lighted candles or other naked lights without the express order of the master, mate or boatswain; these latter, on the other hand, should not send men into the holds with such lights without special necessity, and only in cases of extreme need, and, when doing so, as also when having the cabins and crew-spaces lighted, they must observe the most stringent precautions.[4]

Members of a ships' crew must take their watches in turn and as instructed by the captain.[5]

If, when the cargo is being loaded or discharged from the vessel into a lighter or barge for transport to another landing stage, any one of the members of a ship's crew be ordered by the captain to go on board such lighter or barge and to keep guard over the goods therein, he is obliged to obey the order promptly and thoroughly, receiving a remuneration of 30 copecks for every such commission and being held responsible for any damage or loss which may result through his carelessness or inattention.[6]

An efficient seaman must be able to reef and bend a sail, to fix a topmast and brace a yard, to splice a rope and fix a stay, to tell the points of the compass, to cast the lead and to mend sails.[7]

The duties of a master's mate are principally—(1) to direct the course of the vessel; (2) to fulfil with precision the instructions of the captain, to give him every assistance and, in his absence from the vessel to act as his deputy; (3) to maintain order among the crew, to prevent quarrels and fights among them, to cause them to fulfil their duties and to take care that they are supplied with sufficient food of good quality; (4) to see to the proper cleaning of the holds for the cargo; (5) to arrange for the speedy loading and stowing of the cargo; (6) to keep an exact and accurate account of all goods loaded, with marks and number of the parcels or packages of goods taken on board, and showing the disposition of the goods;

[1] Trade Reg., Art. 261.
[2] *Ibid.*, Art. 262.
[3] *Ibid.*, Art. 263.
[4] *Ibid.*, Art. 264.
[5] *Ibid.*, Art. 266.
[6] *Ibid.*, Art. 267.
[7] *Ibid.*, Art. 269.

(7) to give receipts for goods loaded on board the ship to the merchants or their representatives and also inventories of the cargo; (8) to keep the ship's log-book and also a record of the goods received on board; and, (9) to see that the goods receive no damage while on board.[1]

The chief mate of a ship is subordinate to the captain only, and at no time during the voyage may he be absent from the ship at the same time as the captain, except in cases of urgent necessity.[2]

The carpenter, like the rest of the crew, is subordinate to the captain, to his mate, and to the boatswain. His duties are to see that the vessel is staunch and seaworthy; that the decks, bulwarks, and all other portions are well caulked and free from leaks; that the pumps are in good order; that the barrels of the pumps are suitably covered with leather; and that all the accessories to them are in good order. Before the ship sails from a port, the carpenter must, if required, examine the masts, spars, rudder, and capstan, and make sure that they are in good order and sound condition. and inform the captain to that effect. As soon as the vessel is loaded, he must close up the hatchways and cover them with tarpaulins.[3]

§ 207. Finland. The Maritime Code of **Finland** contains the following regulation relating to the duties of sailors:—Every member of the crew, and every other person employed on board of the vessel and not, properly speaking, counting as a sailor, is obliged to obey the orders of the captain. A seaman may not, under any pretext, leave a task to which he has been appointed, whatever the hour of the day or whether it be work-day or holiday; he must apply all the assiduity requisite to preserve the ship and cargo whether at sea or in port. At the same time, the crew may not, without imperative necessity, be subjected to excessive work. If any damage be caused by the act or neglect of a seaman, he must be held responsible for same. The above rules apply equally to the pilot (chief officer). His special duties consist in navigating the vessel under the control of the captain, attending to the safety of the cargo, and controlling the loading and discharging of same; in ascertaining the good condition and strength of the tackle, apparel and furniture of the ship, and in commanding her in the captain's absence.[4]

[1] Trade Reg., Art. 270. [2] *Ibid.*, Art. 271. [3] *Ibid.*, Art. 272.
[4] Maritime Code of Finland, Art. 61.

CHAPTER V.—SIGNING ARTICLES.

§ 208. Articles binding on parties until the return of the vessel to Russia.

ALL agreements between the masters and crews of Russian vessels are binding on the parties until such time as the vessel arrives at a Russian port, and are subject exclusively to Russian law. However, Consular Officers are at liberty to sanction a voluntary dissolution of the agreement if both parties are agreeable, and, in such cases they must record the circumstances on the crew list.[1]

§ 209. Mustering at Consulates.

The mustering of sailors abroad in ships sailing under the Russian flag, must be performed at a Russian State or Elective Consular Office. This rule applies also to Finnish ships.[2]

§ 210. Passports.

Masters and owners of Russian ships are not allowed to engage persons who are not provided with lawful passports or certificates proving their identity. They are also not allowed to engage persons for longer periods than their passports or certificates are valid for.[3] This, however, refers only to Russian subjects. Foreign seamen may sign on without producing passports or certificates of identity.

§ 211. Foreign seamen on Russian vessels.

The proportion of foreign seamen permitted to be enrolled as part of the crew of a Russian vessel is limited to one-fourth, except in cases where the number of foreign seamen is fixed by special regulation or treaty. The captain, mate, and engineer must in all cases be Russian subjects, and must be provided with diplomas.[4]

§ 212. Finland. Signing articles.

The Maritime Code of **Finland** provides that the command of a vessel belonging to a Finnish port cannot be confided to any person who is not a native of Finland.[5]

§ 213. Contents of Muster-roll.

Contracts between masters of Russian vessels and their crews (crew lists) must contain:

1. The names of the master of the ship and of each individual seaman or other member of the crew, and a statement as to the capacity in which each man is engaged.

2. The name of the place whence the vessel is about to sail, the destination, and the approximate route.

3. The amount of wages, which must be entered against the name of each member of the crew in figures and in writing, together with a statement as to whether payment will be made monthly or otherwise.

4. An undertaking by the master to provide his crew with rations as prescribed by law.

5. An undertaking on the part of the officers and crew to perform all duties as prescribed by law, to obey implicitly the

[1] Cons. Reg. Art. 103; *see also* "Discharge of Sailors."
[2] Maritime Code of Finland, Art. 57.
[3] Trade Reg., Art. 250.
[4] *Ibid.*, Art. 175 and 197.
[5] Maritime Code of Finland, Art. 31.

orders of the master of the ship, and to make good from their wages any loss or damage which may result from their negligence.

§ 214. Finland. Crew list.

The Maritime Code of **Finland** contains similar provisions. According to Art. 57, the agreement with the crew of a Finnish vessel proceeding abroad must contain all the stipulations as to the work and wages of each particular man. This agreement must be examined and ratified by the competent local authority (by a Russian Consular Officer abroad), and recorded in the ship's articles. Every member of the crew, however, is entitled to receive a special book, in which the wages paid or due to him are inscribed.

Speaking generally, it is desirable that the muster-roll (crew-list) of the ship should contain the most detailed possible statement of all the stipulations agreed to by the captain and the crew, especially those relating to fines for damages caused by sailors to the ship or for disobedience or misconduct. This will greatly assist the Consular Officer in deciding disputes regarding such matters. Experience teaches that disputes and misunderstandings between captains and their crews arise more frequently when the agreement between them is couched in general terms than when it contains specific stipulations.

§ 215. Voyages of indefinite duration.

If a Russian merchant vessel proceeds on a voyage of indefinite duration, as is frequently the case, the master must agree with his crew to pay them a monthly wage, and the agreement must be recorded in the crew list. By a voyage of indefinite duration is meant one in which the vessel, after discharging at a given port, takes another cargo there to be delivered at a third port, &c.[2]

§ 216. Essentials of crew lists.

In order that a contract between the master of a ship and his officers and crew shall be binding it is necessary :—

1. That the parties sign a written or printed agreement drawn up in duplicate, in accordance with the above-mentioned Art. 245 of the Trades Regulations. Of these copies, one remains in the possession of the master and the other is entrusted by the crew, according to their own choice, to any independent person.

2. That the captain pay the crew an advance of wages and accommodate them on board of the vessel.

3. That the crew list be produced in the proper manner to the legally constituted authorities.[3]

Owners and masters of Russian coasting vessels, the "Russian Society for Steam Navigation and Trade," the Murman-Archangel regular steamship line and, with the special permission of the chief head of the Central Board for Commercial Shipping and Ports, the other steam shipping companies whose capital is divided into shares, are permitted either to conclude agreements with their crews in writing, according to the aforesaid Art. 245 of the Trade

[1] Trade Reg., Art. 245. [2] *Ibid.*, Art. 246.
[3] *Ibid.*, Art. 247.

Regulation, or to issue wage-books to their crews duly signed by them, and embodying the conditions stated in that Article.[1]

§ 217. Sailors' wage books.

All payments, fines and deductions from the wages of members of the crew must be entered in the wage sheets. In addition, the owner or captain must keep a separate book in which to record all accounts and payments made to members of the crew. These wage sheets and wage books supply the data for the settlement of disputes between owners of vessels and their crews.[2]

The master of a Russian vessel must always have his crew list, or the wage lists, or wage books which replace it, ready to hand, and must produce them to members of the crew whenever requested to do so.[3]

§ 218. Advances to sailors.

The contract having been signed, the master must give each member of the crew an advance of wages. Those of the crew who have contracted for monthly wages may claim a month's wages in advance, those who have signed for a voyage are entitled to an advance equal to one-fourth of the sum contracted for.[4]

The contract between the master of a Russian vessel and his crew acquires legal validity from the moment it is signed by all the parties concerned. Immediately after signing the contract the crew are obliged to proceed on board the vessel and commence their duties.[5]

If a member of the crew of a Russian vessel, after signing the agreement and receiving an advance of pay, neglects to proceed on board the vessel within a period of three days or make a new agreement with another captain, the master to whom he first engaged himself may cause him to be arrested and brought on board.[6]

§ 219. Liberation of sailors from agreement.

If the ship be not quite ready to sail, and a member of the crew have lawful excuse for refusing to proceed with the vessel for which he had signed articles, he may, after having informed the master and returned his advance of wages, demand to be set free from his agreement, and if detained by the master, may appeal to the local police authorities. But if the ship be ready to sail he is obliged to proceed with her, however great the necessity for him to remain behind.[7]

§ 220. Sickness of master.

If, after the contract has been signed, the master be prevented, through sickness or any other cause, from proceeding with the vessel, and if the vessel has not yet commenced loading, the crew are not bound to carry out their agreement, but if the vessel has already begun loading the contract remains in force, and the mate must then proceed to carry out the agreement until a new master be appointed by the owners.[8]

If, after the contract has been signed, the owners of the cargo and of the vessel agree to alter her destination, the crew are bound

[1] Trade Reg., Art. 248.
[2] *Ibid.*, Art. 249.
[3] *Ibid.*, Art. 251.
[4] *Ibid.*, Art. 252.
[5] *Ibid.*, Art. 253.
[6] *Ibid.*, Art. 254.
[7] *Ibid.*, Art. 255.
[8] *Ibid.*, Art. 257.

to proceed with the ship and fulfil their contract on the original conditions, with the right, however, of claiming extra pay for any increase in the duration of the voyage.[1]

§ 221. **Finland. Conditions of agreement.**

Finnish sailors, when serving on Finnish vessels, are subject to the Maritime Code of Finland of the year 1874. According to this Code, sailors are only bound to sail from the port where they sign articles with the captain by whom they were engaged and for the destination stated in the contract. If it should happen later that the captain is changed, the route altered, or the voyage extended, the crew must proceed with the vessel until she reaches the next Finnish port, unless it is expressly stipulated otherwise, and they have the right, during the whole voyage, to the monthly wage agreed upon in the first instance. If the voyage is prolonged, the amount paid to sailors engaged for the voyage only must be increased in proportion. In such cases, moreover, seamen are entitled to the current rate of wages paid at the port where they signed on.[2]

In case of the purchase of a foreign vessel by a Russian subject abroad, or of the loss of the crew list of a Russian ship, Consular Officers may make out a new crew list, using the following form:—

§ 222. **Form of crew list.**

CREW LIST of the Russian trading vessel of tons net register, belonging to the port of bound from to (made out in place of the old one which has been lost).

Current number.	Date.	Occupation.	Name, Patronymic and Surname.	Nationality.	Signature.	Wages per month.	Advance.	Signature of the authority enrolling the man.

§ 223. **Supercargoes.**

Supercargoes must also be enrolled in the crew-list. They do not require to be provided with a passport.

CHAPTER VI. — DISMISSAL AND DISCHARGE OF SAILORS FROM RUSSIAN SHIPS ABROAD.

§ 224. **Consular sanction of discharge of seaman.**

EXCEPT in cases of capture, confiscation, sale[3] or wreck of the vessel[4] or illness of a member of the crew, the Consul cannot consent to the discharge of a Russian sailor in a foreign country, unless the Captain is compelled to dismiss him for very urgent reasons. The Consul must give the Captain a written authorisation, mentioning all the circumstances leading to the discharge.[6] On his arrival in

[1] Trade Reg., Art. 258.
[2] Maritime Code of Finland, Art. 68.
[3] *See* "Sale of Russian Ship."
[4] *See* "Shipwreck."
[5] *See* "Invalid Sailors."
[6] Cons. Reg., Art. 85.

Russia the Captain must present his report with the Consular authorisation to the proper authorities.[1] The Captain is responsible for all men missing, as well as for any additional men shipped by him on the voyage, and he must report on oath the reasons for any decrease or increase in the number of his crew.[2]

Russian captains are likewise prohibited from landing sailors who are not Russian subjects in a foreign country, without the consent of the Consular Officer, except by the desire of the sailors themselves.[3]

If both parties consent, the Consular Officer may authorise the voluntary dissolution of the contract and must then make a note of the circumstance in the muster-roll.[4]

The sailor, after receiving his wages-account, the balance due to him and his certificate of discharge, legalised free of charge by the Consular Officer, must sign a declaration that he left the ship of his own free will and with the consent of the captain, that he has received all wages due to him, and has no further claims whatever against the Captain or the Consulate. This declaration must remain in the archives of the Consulate in order to serve as proof that the sailor is not entitled to demand to be sent to Russia at the expense of the shipowners.

Until the ship has reached the port, been secured and her cargo discharged or ballast taken in, none of the crew may ask for leave of absence, even if the term of their agreement has expired. But, as soon as this has been done, the master of the ship is obliged to discharge or grant leave of absence to every one of the crew, and to give certificates of discharge for the time of service of the men, at the same time paying them the wages due to them up to the day the leave of absence or the discharge is granted. In case of detention of the discharge or the wages due, the sailor is at liberty to lodge a complaint in the usual way, *i.e.*, with the authorities, if in Russia, or with the Russian Consul, if abroad.

§ 225. Discharge of sailors.

In case of discharge of a Russian seaman, captain or mate, from a Russian ship abroad :—

1. Such dismissal is only allowed in cases where the discharged man is not able to return to Russia in the same ship, or on account of illness or sale of the ship, or some other lawful cause. The man so discharged is entitled to receive all moneys due to him and the customary documents, and to be left in charge of the Russian Consul.

2. The Consul must ascertain that the men have received all the wages due to them, and their travelling expenses to Russia. If the ship be sold, such wages and travelling expenses must be paid up to the date on which they would have arrived in Russia, taking into consideration the distance from the foreign port where such

[1] Trade Reg., Art. 293.
[2] *Ibid.*, Art. 294.
[3] Cons. Reg., Art. 86.
[4] *Ibid.*, Art. 103.
[5] Trade Reg., Art. 283.

sale is effected to the Russian port from which she sailed. If the Consul find that there is any deficiency in the amount paid to the crew he must require compensation for them from the owner, his agent or the captain.

3. The Consul must give a receipt to the owner or captain stating that he is taking charge of the men and giving the name of the ship, the names of the captain and of the owner, the place from which the ship sailed and her destination, or the name of the person to whom she has been sold. The certificate must also state the amount of money possessed by the men and the sum deposited with the Consul for their maintenance and travelling expenses, and must certify that they are satisfied with the payments made to them. It must further state how much has been lawfully deducted from their wages and whether they have received the customary certificate of discharge.

4. By giving such a receipt the Consul does not oblige the sailors or the captain to return to the Russian port where they joined the ship, but leaves it open to them to select any other port at their pleasure.

5. The State Consul must mention in his report to the Central Board for commercial shipping and ports that the above requirements have been fulfilled.[1]

§ 226. Captains secretly leaving sailors behind abroad.

If the owners or the captain secretly and of set purpose leave any member of the crew behind in a foreign country, the Consul must send him to Russia and charge the expense to the owners, who are, in addition, liable to a fine not exceeding double the amount of the expenses incurred in sending the man home; and the latter is, moreover, entitled to make a complaint in the ordinary manner before a Russian tribunal. These rules, however, do not apply to sailors on Russian ships who are not Russian subjects.[2]

§ 227. Finland. Discharge of seamen.

The Maritime Code of **Finland** contains the following provisions for the discharge of sailors from ships belonging to Finnish ports.

A sailor is not, in general, obliged to proceed with a vessel for more than two years from the date of his last signing on. If he wishes to quit the service on the expiration of this period he must demand his discharge, and will then be at liberty to leave his vessel as soon as she arrives at her destination and has discharged her cargo. If expressly engaged for a longer period, he is obliged to fulfil his agreement. In no case, however, can he be prevented from claiming his discharge after three years have elapsed from the date of his signing on.[3] If he demand his discharge after two or three years service, the cost of sending him to his native place does not fall upon the owner, unless an express stipulation was made to that effect at the time of his engagement.[4]

A sailor is at all times to demand his discharge and to annul his engagement if he is ill-treated or badly fed by the Captain, proof of

[1] Trade Reg., Art. 295.
[2] *Ibid.*, Art. 297.
[3] Maritime Code of Finland, Art. 69.
[4] *Ibid.*, Art. 78.

which must be produced to a magistrate or the Consular Officer. The same holds good (1) when a vessel is sold to a foreigner, (2) when the sailor is offered an opportunity of procuring an engagement elsewhere as pilot or captain, or (3) when he marries, provided, in the last two cases, that he procures a suitable substitute.[1]

§ 228, Sale of ship, marriage, and promotion of Finnish seamen.

The captain is at all times entitled to discharge a sailor, provided he observes the rules as to payment of wages, travelling expenses and compensation for breach of contract. Should he discharge any one of his men in a foreign country, he must make a declaration before the Consul, whose duty it then is to take steps to ensure that the sailor's rights are respected. Should it be proved that the sailor was discharged without adequate reason, the captain is responsible to the owner for all expenses and damages that may result.[2]

§ 229. Finnish seamen's wages.

A seamen when discharged from his ship for misconduct is not entitled to anything more than the wages due to him up to the day of his discharge.[3] The same holds good if the seaman demand his discharge himself under the circumstances mentioned above and, without having been compelled to do so by any fault of the captain, or by the sale of the vessel to a foreigner, or by any postponement or delay of the voyage on account of war, embargo, blockade, restraint of local authorities, wreck, interruption to navigation by ice, or by any other accident.

If at the time of his discharge he has already received, in the form of advances, more than the amount of wages to which he is entitled he cannot be made to refund the balance. If he only engaged for the voyage, the amount due to him must be calculated on the basis of the rules contained in Art. 55 of the Maritime Code of Finland, which is as follows:[4]

§ 230. Compensation for discharge of Finnish captains or sailors.

If through any cause whatever the captain is compelled to retire from the command of the ship, any wages or other emoluments due to him must be paid in full either to him or to his lawful heirs or assigns. The amount of such wages and emoluments or gratuities is calculated for the distance traversed in proportion to the total duration of the voyage.

If he is relieved of his command without having in any way failed in his duty, or if he is compelled to interrupt his services by reason of war, damage to the vessel or other mishap, or in consequence of sickness which is not owing to any fault of his own, he will, in addition, be entitled to be sent home at the expense or through the influence of the owners and, if he is ill, to be taken care of on shore, during a period not exceeding one month.[5]

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[1] Maritime Code of Finland, Art. 70.
[2] *Ibid.*, Art. 71.
[3] *See* "Disobedience and misconduct of Sailors," Part VI., Chapter 8.
[4] Maritime Code of Finland, Art. 72.
[5] *Ibid.*, Art. 55.

If the voyage is interrupted or abandoned for reasons other than war, embargo, blockade, the act of Government authorities, shipwreck, ice or other obstacles or accidents, or if a seaman is discharged without having failed in the performance of his duties, or is given his liberty in consequence of improper treatment on the part of the captain or on account of the sale of the ship to a foreigner, his wages must be paid up to the day on which he receives his discharge and he is entitled to retain any surplus he may have received over the amount due to him and also to compensation for breach of contract. The amount of such compensation is equivalent to one month's wages if the sailor be discharged at a port in Finland or the Baltic Sea or to two, three or four months' wages respectively if he is discharged at any other European or non-European port this side or the other of Cape Horn or of the Cape of Good Hope.[1]

CHAPTER VII.—WAGES OF SAILORS, FINES, &c.

§ 231. Postponement of final settlement of accounts with sailors.

EXPERIENCE has shown that, when sailors for one reason or another are dissatisfied with their condition on board of a ship, they invariably desert as soon as they have secured all the money that is due to them as wages. In order to prevent this, captains of Russian ships are permitted to postpone final settlement with their men until the return of the vessel to a Russian port, where their contract expires. As all contracts with Russian sailors are framed to continue until the ship shall have returned to Russia, a captain cannot discharge a sailor nor a sailor leave his ship in a foreign port without special permission of the Consular Officer. If, therefore, fines are inflicted by the captain on members of the crew, this question will only be of importance at the port where the sailors receive their discharge, and not abroad, except in the case of special permission by the Consular Officer. By giving or refusing permission to discharge sailors the Consular Officer is enabled to exercise a strong influence in the settlement of disputes about fines between the captain and sailors of the crew of his ship. The following regulations must be observed:—

§ 232. Captain permitted to withhold sailor's wages for one month

On the arrival of a Russian vessel at the port of destination and after safe delivery of the cargo, the master must pay the wages up to date to all those of his men who during the voyage have performed their duties zealously, obediently, and satisfactorily. If any one of them is idle, disobedient, or in any way unsatisfactory,

[1] Maritime Code of Finland, Arts. 56 and 73. *See also* "Death, removal, and change of Captain," Part VI., Chapter XV.

or of bad behaviour, or is suspected of an intention to desert, the master is entitled to withhold his pay for one month.[1]

The captain pays the men the wages due to them out of the sums received by him as freight on the ship's cargo.[2]

§ 233. Sailors' wages cannot be recovered if ship is lost

If the ship or cargo is lost, burnt, or otherwise destroyed before the crew have received all the wages due to them, such wages cannot be recovered by them.[3] In all other cases, even of confiscation of the ship, none of the crew can be deprived of their pay except in consequence of misconduct.[4]

§ 234. Incapacity of sailors.

If one of the crew appears to be unfit for the duties he undertook to fulfil, the master of the ship is at liberty to retain his wages till the arrival of the ship at a port, and must then report the matter to the authorities, giving proofs of the man's incapacity; but during the voyage the man must fulfil his duties as far as possible—in return for his food or whatever remuneration the master decides upon.[5]

§ 235. Finland. Sailors' wages.

The Maritime Code of **Finland** contains the following provisions relating to the wages of captains and sailors serving on Finnish ships:—

Every seaman is entitled, when entering upon his duties, to an advance of pay equivalent to one month's wages, or, if he is engaged for the voyage, to one fourth of the total amount of his wages. In addition, every time he arrives at a port where more than one half of the cargo is discharged he is entitled to an equal sum, provided that the sums advanced do not exceed the wages due to him. The monthly payments are calculated from the day on which the seaman signs articles, except when otherwise expressly stipulated, and are due for the whole period of service up to the day on which he receives his discharge, any uncompleted month being reckoned as a month.[6]

If the number of a ship's crew be reduced through death, desertion, or any other cause, and the remaining members of the crew fulfil all the duties necessary for the safe navigation of the ship, they are entitled to share the pay of the absent members of the crew for the whole period during which they do such extra work.[7]

If during a prolonged voyage a seaman acquires sufficient experience and ability to be able to make himself useful in an employment that is better paid than the one for which he was originally engaged, his wages are to be increased in proportion.[8]

The **Finnish** Regulations for the captains and crew of merchant ships of the year 1878 (Ch. III., Art. 3) provide that a Finnish seaman refusing to do his duty while on a voyage, and thereby preventing the captain from prosecuting the voyage to the end and

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[1] Trade Reg., Art. 280.
[2] *Ibid.*, Art. 284.
[3] *Ibid.*, Art. 285.
[4] *Ibid.*, Art. 286.
[5] *Ibid.*, Art. 287.
[6] Maritime Code of Finland, Art. 59.
[7] *Ibid.*, Art. 77.
[8] *Ibid.*, Art. 68.

compelling him to go out of his way or return to the detriment of the interests of the shipowner and the owner of the cargo, shall forfeit all right to any wages that may be due to him and be liable in addition to imprisonment and even corporal punishment according to the gravity of the case.

CHAPTER VIII.—DISOBEDIENCE, MUTINY OR VIOLENCE ON THE PART OF SAILORS.

§ 236. Disobedience, mutiny, or violence of Russian sailors.

IF, while at sea, any member of the crew is guilty of flagrant disobedience to the captain in connection with his duties, he is liable, according to circumstances, either to corporal punishment, not exceeding five strokes with a whip, as the captain shall decide, or, if the case be particularly serious, to imprisonment during a period varying from seven days to three months.[1]

If, during the voyage, any member of the crew is guilty of revolt or mutiny, the captain, after consulting the mate, boatswain, and the oldest or the best of the crew, can, in case of emergency and with their approval, punish the guilty man with not more than 12 strokes of a rope on his back; otherwise he must postpone the punishment and, on arrival at the vessel's destination, lodge a complaint in the usual way, if in Russia, or with the Russian Consul if abroad, and the latter will decide upon the punishment after enquiring into the circumstances of the case.[2]

Any Russian seaman committing murder or assault, or inflicting wounds, or committing theft or any other criminal offence, must be put under guard until he can be handed over to the proper authorities. If such cases occur while the ship is in foreign waters, the local authorities are competent to deal with them, but if they occur on the high seas the criminal is handed over by the captain at the next port of call, either to the Russian authorities or to the Russian Consul if at a foreign port. The Consul must arrange to have the man sent for trial to Russia on board of a Russian ship. Before doing so he must carefully investigate the matter and take the depositions, a legalised copy of which must be sent to the II. Department of the Ministry of Foreign Affairs.[3]

§ 237. Disobedience, mutiny and violence of Finnish sailors.

The Maritime Code of **Finland** contains the following provisions relating to disobedience and misconduct on the part of sailors serving on board of vessels belonging to Finnish ports:—

If, during the term of his service, a sailor prove negligent disobedient, quarrelsome, careless with fire, or addicted to drink,

[1] Russian Penal Code, Art. 1261. [2] Russian Trade Reg., Art. 282.
[3] Cons. Reg., Art. 101.

the captain, after having endeavoured without success to correct his conduct by warning him, shall hold an inquiry in the presence of the crew, and shall enter in the log a memorandum signed by two witnesses. He shall then condemn the culprit, according to the nature of the offence, either to arrest for a period not exceeding eight days, on full or half rations, or to a fine, which is to be handed to the seamen's home at the town where the culprit is domiciled. The fine may not exceed one-fourth part of his monthly wage, or the corresponding portion of his pay if he is engaged by the voyage. If he is again guilty of the same misconduct, or neglects his duties either in navigating the vessel or on watch or look-out, and such misconduct requires summary punishment, the captain may order him to suffer moderate corporal chastisement in the presence of witnesses. This chastisement must be applied with all necessary precautions: a memorandum must be made in the log of the punishment and of the misconduct for which it was inflicted, and must be signed by two witnesses, and be read to the culprit in the presence of the rest of the crew.[1]

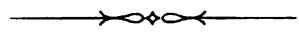
If the crime or misconduct committed by a seaman during the voyage be of a particularly grave character, the captain must, on returning to Finland, make application to a magistrate, in order to have the case tried before a court. If it be considered necessary, for the safety of the vessel and of the persons on board, to confine the culprit, the captain must cause him to be imprisoned until such time as he is able to surrender him to the Finnish authorities or, if in a foreign country, to the Consul.[2]

A seaman who is refractory or who offers forcible resistance to the captain is liable to a fine of from five to 500 marks or to imprisonment for from one to six months. If the act of insubordination occurs at a time when the vessel is in danger of shipwreck, capture by an enemy, or any other peril, the punishment is from two to twelve months penal servitude. In the case of disobedience to the pilot, when he is not acting for the captain, the culprit is liable to a fine of from 10 to 300 marks.[3]

Members of a ship's crew who are found guilty of conspiring to refuse to obey the captain's orders are liable to from two to six years' penal servitude. If important extenuating circumstances exist, the term may be reduced to six months. The same penalty is inflicted on seamen who are convicted of having acted together, even when such united action is not preconcerted, to compel the captain to take or not to take any measure within the scope of his authority. A seaman who has been convicted of resorting to violence or menace against the captain or any other person with the object of seizing the vessel, her tackle, apparel or furniture, or any part whatever of her cargo, is liable to from four to ten years' imprisonment with hard labour. If the crime took place

[1] Maritime Code of Finland, Art 62. [2] *Ibid.*, Art. 63.
[3] *Ibid.*, Art. 64.

on the high seas, the culprit may be condemned to penal servitude for 10 years and upwards. The person so attacked is entitled to defend himself and the ship and the cargo, and will not be held responsible for the death of his opponent or for any wounds he may inflict on him.[1]



CHAPTER IX.—DISPUTES BETWEEN CAPTAINS AND THEIR CREWS.

§ 238. Disputes between captains and crews. Jurisdiction of Consular Officers.

CASES of disputes between captains and their crews or disagreements with the owners of Russian ships, must, if the parties are willing, be investigated and brought to amicable settlement by Russian Consular Officers. Should such an amicable arrangement be impossible, the Consul is authorised, in all cases of minor importance, and if the existing treaties and the local laws are not opposed to his doing so, to act as judge of the first instance, applying the Russian laws relating to the Russian mercantile marine, and condemning the guilty parties to the penalties provided by Arts. 1232, 1234, 1235, 1240, 1242, 1245, 1252, 1253, 1259, 1260, 1261, 1266, 1270, 1271, 1273, and 1274 of the Russian Penal Code.[2]

These Articles are as follow :—

§ 239. Engagement by captain of a sailor belonging to another ship.

Art. 1232.—Any captain of a Russian ship knowingly engaging the services of a man who is, at the time, in the employ of another master, without demanding a certificate of formal discharge signed by that master, is liable to a fine not exceeding 15 copecks for each day he so engages him, up to a total of not more than 10 roubles, and, in addition, he will be obliged to compensate the man's former employer for his loss.

§ 240. Neglect to draw up written contracts with crews.

Art. 1234.—Any captain of a Russian vessel leaving port without a proper written contract or agreement with the crew, or without wage-sheets or wage-books, as prescribed by the Trade Regulations, is liable to a fine not exceeding 6 roubles, one-half of which will be paid to the person reporting the matter.

§ 241. Engaging men without certificates.

Art. 1235.—Any captain of a Russian ship engaging an officer for the ship without the certificates required by the Trade Regulations and without a lawful written agreement, is liable to a fine not exceeding 50 roubles.

§ 242. Unlawful discharge of sailors, and neglect to repatriate them.

Art. 1240.—Any captain discharging one of his crew who is a Russian subject, abroad, without sufficient cause, or against his wish, or without the written consent of the Russian Consul, Resident, Envoy, or Ambassador, is liable, in addition to having to com-

[1] Maritime Code of Finland, Art. 65. [2] Cons. Reg., Art. 100.

pensate the man for all losses sustained by him and being obliged to send him to Russia at his (the captain's) own expense, to a fine not exceeding double the amount that is necessary to send the man home. The same fine is inflicted on any captain neglecting, on the sale of his vessel at a foreign port, to send those of his crew who are Russian subjects and who signed articles in Russia, back to that country at the owners' expense, and to pay them their wages in full up to the time of their presumptive arrival at their destination, unless the men themselves express their desire, before the local Russian Consul, to join another Russian ship.

§ 243. Negligence on the part of the captain.

Art. 1242.—The master of a Russian vessel who, without good reason, neglects to remove the bilge or other waste water from his ship, or neglects to employ pilots where necessary, or, employing them, does not obey their instructions or advice, or, when the vessel is in port, permits more than one-half of the crew to be on shore at a time, or neglects to appoint a sufficient watch, or to see that the crew perform their allotted tasks, or fails to take the necessary precautions against fire, or is guilty of carelessness or negligence resulting in damage or accident to the vessel, her tackle, apparel, and furniture, or to the cargo, is liable for the first offence to a severe reprimand, and, for the second, to the suspension of his certificate for a period of from two to three years, in addition to making good whatever loss or damage may have resulted from such carelessness or negligence.

§ 244. Refusal of the captain to discharge seamen or to give them certificates.

Art. 1245.—Any captain of a Russian ship refusing, without adequate reason, to pay the wages due to members of the crew, or refusing to discharge them, or to give certificates of discharge to those entitled to them, is liable, in addition to the obligation to compensate and reimburse them for losses they may incur through the delay, to a fine not exceeding 10 roubles.

§ 245. Neglect of duties by chief officer.

Art. 1252.—A chief officer (first mate) of a vessel failing in the proper performance of his duties, or neglecting to keep the other members of the crew in order, is liable, according to the gravity of the offence, to a fine not exceeding the amount of one month's wages, and may, in addition, be compelled to make good his share of any damage done to the ship, her tackle, apparel or furniture, or to the cargo.

§ 246. Neglect of log-book.

Art. 1253.—The chief officer (first mate) of a Russian vessel neglecting to post the ship's log-book in a proper manner, whether in harbour or on the high seas, is liable to a fine not exceeding 25 roubles.

§ 247. Sailors baling the ship.

Art. 1259.—Any member of the crew whose duty it is to measure the water in the ship's hold, and take the necessary steps to have it baled out, will be liable, for neglecting these duties, to a fine equivalent to not exceeding two days' wages. He is also liable, in addition to making good any damage which may have resulted through his negligence, to four to eight months imprisonment.

§§ 243, 244, 245, 246, 247.

§ 248. Endangering safety of vessel.

Art. 1260.—Members of the crew who are slow or inefficient in the performance of their duties, and thereby endanger the safety of the vessel or cargo, are liable to a fine not exceeding the amount of one month's wages.

§ 249. Insubordination.

Art. 1261.—For insubordination or disobedience seamen are liable, at the discretion of the captain and according to the gravity of the case, to not exceeding five strokes with a rod, or, if the case is more serious, to imprisonment for from seven days to three months.

§ 250. Malingering.

Art. 1266.—Malingering or hiding with the intention of evading the duties of the watch, or falling asleep, or being drunk while on duty, is punishable by a fine equivalent to one day's pay, which is made over to the men performing the offender's duty.

§ 251. Absence without leave.

Art. 1270.—Any member of the crew of a Russian vessel absenting himself from his ship without the knowledge or consent of the master, mate or boatswain for a day or night, is liable to forfeit two full days' pay for the benefit of the person or persons performing his duties in his absence, and to make good any damages that may result to the ship or cargo.

§ 252. Desertion.

Art. 1271.—A member of the crew of a Russian vessel deserting or refusing to sail with her is liable, after three days have elapsed from the time of such desertion or refusal, to forfeit the whole of the wages due to him and all personal property he may have on board for the benefit of the captain of the ship. If the desertion occurs abroad and the master is obliged to engage another man in the deserter's place, the latter is liable for all extra payments that may be necessary in consequence. He may, further, at the instance of the master, be prosecuted for such desertion or disobedience to orders, and, if convicted, will be liable to imprisonment for from seven days to three weeks for disobedience, and for from two to four months for desertion.

§ 253. Use of ship's boats without permission.

Art. 1273.—Any seaman employed on board a Russian vessel who, without permission of the ship's officers, shall use the ship's boats, is liable to a fine equivalent to one week's wages for the first offence and two weeks' wages for the second.

§ 254. Gambling.

Art. 1274. Any member of the crew of a Russian vessel detected gambling with cards or dice while on board is liable to forfeit one day's pay for the first, two days' pay for the second, and three days' pay for the third offence.

§ 255. Crimes and misdemeanours on board Russian vessels.

The graver crimes or misdemeanours, defined in Part V., Chapter XIII., Section viii. of the Russian Penal Code, if committed on the high seas, can only be dealt with by the tribunals of the Empire. These are—Endangering the safety of the ship (Svod Zakonov, Vol. XV., Ed. 1885, Art. 1203, 1221, 1222, 1257, 1258); hindering the rescue of shipwrecked sailors (Art. 1207); failing to assist the rescue of drowning sailors, except if the rescuer would have been in danger of losing his own life in

§§ 248, 249, 250, 251, 252, 253,

the attempt (Art. 1208); robbery, or the appropriation or concealment of property belonging to shipwrecked vessels (Art. 1210); engaging men without properly written agreements (Art 1213); altering the name of the ship without authority to do so (Art. 1214); selling the ship abroad without the knowledge and consent of the local Russian Consul, or failing to hand the ship's papers over to him (Art. 1216); sailing with a false flag-patent or procuring a flag-patent by fraud or forgery (Art. 1217); desertion of the ship by the captain (Arts. 1223, 1224, 1224); neglect by the captain of the necessary precautions for the safety of the ship or cargo (Art. 1227); withdrawing the ship without permission from the protection of a man-of-war when under convoy (Arts. 1228, 1229); procuring stores or provisions from another ship by force (Art. 1230); enrolling men without proper passports or certificates of identity (Art. 1231); conniving at the escape of any person who has committed a crime on board ship (Art. 1236); failing to provide the crew with a sufficient quantity of food or supplying food unfit for consumption (Art. 1237); jettisoning any of the cargo without urgent necessity, or wilfully altering the course of the ship, unless driven to do so by stress of weather (Art. 1238); making a false declaration as to damages sustained by the ship or cargo (Art. 1239); leaving one of the crew behind (Art. 1241); mutiny or violence on the part of the crew, with the object of depriving the captain of his command (Art. 1262); insubordination (Art. 1263); wilful damage to the ship, her tackle, apparel, furniture or provisions or to the cargo (Arts. 1257, 1265); refusal to defend the ship against the attacks of enemies, pirates, thieves, &c. (Arts, 1267, 1269); refusal to assist in extinguishing a fire on board ship (Art. 1268); theft of property from the ship (Art. 1264).

In such cases the Consul only acts as examining magistrate: examining the crew on oath, and establishing all the circumstances of the case. The prisoner must be sent to Russia on the first opportunity in a Russian vessel; if possible, a ship of war. A certified copy of the depositions is forwarded to the II. Department of the Ministry of Foreign Affairs.

§ 256. Crimes on board of Finnish ships.

These Articles of the Russian Penal Code do not apply to differences, crimes, or misdemeanours on board of **Finnish** ships. In such cases the Consul must comply with the Finnish regulations in force.[1]

§ 257. Differences between members of crews of Russian ships.

Differences between Russian sailors must be settled by the local State or Elective Consular Officer. If any of the parties desire the presence of the State Consul of the district, they are, of course, entitled to have their wish gratified, provided the State Consul is able to leave the place of his residence. The expenses are borne by the persons requiring the Consul's presence, in accordance with Art. 37 of the Consular Tariff.

§ 258. Case of the steamer "Yaroslav."

On the 6th September 1896, one of the crew of the steamer "Yaroslav," belonging to the Russian Volunteer Fleet and then

[1] Cons. Reg., Art. 101.

lying at Colombo, was severely wounded in a quarrel with another sailor belonging to the same ship. The captain of the ship applied to the local Vice-Consul requesting him to hold an enquiry into the affair, but the latter refused to do so on the grounds that Art. 101 of the Consular Regulations provides that the Consul is only competent to deal with crimes committed on the high seas, and that the local British tribunal was exclusively competent to deal with the case. This view was confirmed by the Ministry of Foreign Affairs.

§ 259. Unjust treatment of sailors.

If it be proved that a sailor on board of a Russian merchant vessel is unjustly treated by the captain or any other superior officer, the Consul must see that justice is done to him.[1]

It is the Consul's duty to see that order is maintained on board Russian vessels and to enquire into all differences and disputes between captains and their crews, unless the contrary is provided for by local law, though he can do so even if contrary to local law, provide the right is conceded to Consular Officers in virtue of special conventions or treaties. If, however, the disorder is of a nature to interfere with the public tranquillity, or if any person not a member of the crew is implicated in it, the local anthorities are entitled to interfere. Offences and crimes committed under these circumstances are within the jurisdiction of the local tribunals.[2]

§ 260. Case of the steamer "Alcibiades" at Kertch.

This rule of the Consular Regulations has been more definitely expressed in a decision given by the Penal Department of Cassation of the Imperial Senate of the 2nd November 1872, No. 1,329, in the case of the Greek subject, Svaelos, accused of having caused the death of another Greek subject on board the Greek merchant vessel "**Alcibiades**" while lying in the roads at Kertch. The Senate found that according to Art. 170 of the Penal Code, any foreigner committing a crime in Russia is subject to Russian law, whether the offence be committed against a native or a subject of the state to which the offender belongs. This principle, however, cannot be applied in all strictness to offences committed on board of foreign ships by and against persons belonging to the crews of such ships as the relation of the members of the crew of a ship lying in the territorial waters of a State cannot be considered as identical with those of foreigners residing in the territory of that State. Offences against discipline or neglect of duty on the part of seamen are, therefore, in all cases, to be settled on board of the ship, and in accordance with the laws of the State to which she belongs. Ordinary crimes, on the other hand, if committed on board ship, can only be regarded as being exempt from the jurisdiction of the local authorities, if there has been no disturbance of the public peace, if the master or the sufferer does not desire the protection or assistance of the authorities or if the Diplomatic or Consular Officer of the district proposes to send the culprit for trial to his own country.

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[1] Cons. Reg., Art. 8.

[2] *Ibid.*, Art. 10

§ 261. **France.**

The same principle obtains in **France**, where crimes and offences committed by members of the crews of merchant vessels against each other and which in no way concern any local subject, are not within the competency of the local tribunals. On the other hand, if local subjects are in any way concerned in the crime, or if the safety or tranquillity of the port is thereby endangered, the local police and judicial authorities are entitled to interfere, without any reference to the nationality of the persons concerned.

§ 262. **Great Britain.**

In **Great Britain** all crimes against the Penal Laws committed on board of foreign merchant vessels are subject to the local tribunals.

§ 263. **Case of the Russian ship "Anna" at South Shields.**

This is not always taken into consideration by British magistrates. On the 29th December 1903, the captain of the Russian barque "Anna," then lying at South Shields, reported to the Russian Consulate at Newcastle-upon-Tyne that he had, on the previous night, been assaulted by three of his crew, who attacked him with such violence that he became unconscious. He desired that the men might be arrested and brought before the local magistrates. His request was complied with, and on December 31st the three sailors appeared before the South Shields Police Court. The Mayor was on the bench. It was decided to give the men in charge of the Russian Consul, "as, the offence having been committed on a Russian vessel, it was really on Russian territory," and to have them sent back to Russia for punishment. This decision was contrary to the interests of the shipowners of the "Anna," who would have to pay for the custody of the men till there was a chance of sending them to Russia on board of a Russian vessel, such occasions being rare in winter time. It was contrary even to the interests of the defendants, who would thus have lost much more time than if punished immediately: on coming out of prison they could find another vessel or be sent by the Consul to Russia. It was unsatisfactory for the Consulate, as it had supported the request of the Captain that the men should be punished by the local magistrates.

It is only **warships** that have the privilege of exterritoriality in foreign waters—merchant ships are not entitled to it under any circumstances. In such cases, Consular Officers are required to comply as strictly as possible with the terms of existing State treaties.

§ 264. **Greece, United States.**

The treaties of commerce and navigation concluded by Russia with **Greece** on the 12th June 1850 (Art. 8) and with the **United States of America** on the 6th/18th December 1832 (Art 8) stipulate, that "Consuls, Vice-Consuls and commercial agents have the right to act as judges and arbiters in disputes between captains and crews of vessels belonging to the nation whose interests they represent, without the right of interference on the part of the local authorities, provided there is no public disturbance of the peace, or that the assistance of the authorities is not desired by the Consular

or commercial officer; to insure the proper maintenance or execution of his decision. Such judgments or decisions of Consular Officers do not, of course, preclude the parties concerned from appealing to the tribunals of their own country on their return."

§ 265. Austria.

The treaty of commerce and navigation concluded between Russia and **Austria** on the 2nd/14th September 1860 is on the same lines. According to Art. 17, paragraph 2, of this treaty, the Consuls-General, Consuls, Vice-Consuls, and Consular and commercial agents of the contracting parties shall not be hindered or opposed in the execution of the duties entrusted to them by their governments as arbiters between subjects of their own country, or as judges of differences originating on board ships belonging to that country within their districts, except when local law requires the co-operation of the magistrates or police.

France Germany, Italy, Spain.

In like manner the Consular treaties between Russia and **France** of the 20th March/1st April 1874, Art. 11; Russia and **Germany** of the 26th November/8th December 1874, Art. 11; Russia and **Italy** of the 16th/28th April 1875, Art. 11; and Russia and **Spain** of the 11th/23rd February 1876, Art. 11, provide that the Consuls, Vice-Consuls, or Consular Agents shall have the right of exclusive supervision of the internal order on board ships belonging to the nation whose interests they represent, and that, therefore, they are themselves entitled to investigate and give their decision in any quarrels which may arise between the captains and crews of such vessels, especially those relating to their wages and duties and the terms of their agreements. The local authorities only interfere if the disorder on board a ship occasion a disturbance of the public order and peace on shore, or if natives or any other persons not belonging to the ship are implicated in the affair. In all other cases the actions of the local authorities are limited to giving the necessary assistance to the Consular Officer, with a view to effecting the arrest of the persons concerned and of conveying them on board or taking charge of them on shore as may be most expedient in the opinion of the Consular Officer. If it is desired that the arrested person be kept in custody, timely information to that effect must be given by the Consular Officer to the proper court of law.

§ 266. Netherlands, Belgium, Great Britain.

§ 267. Peru, Denmark, Japan.

The question of investigation and adjudication of differences and disputes between sailors is dealt with indirectly in the treaties of commerce and navigation concluded by Russia with the **Netherlands** on the 1st/13th September 1846, Art. 14, paragraph 1; with **Belgium** on the 28th May/9th June 1858, Art. 17; with **Great Britain** on the 31st December 1858/12th January 1859; with **Peru** on the 4th/16th May 1874, Art. 20, paragraph 2; with **Denmark** on the 28th February/12th March 1895, Art. 10; with **Japan** on the 27th May 1895, Art. 15, paragraph 3, which grant to Consular Officers of the contracting parties the rights and privileges of Consular Officers of the most favoured nation.

It is very much to be regretted that the aforesaid State conventions are not sufficiently explicit to render all doubts impossible in Consular practice as to what quarrels and disputes are to be decided by the Consular Officer, without interference on the part of the local authorities. Thus differences often arise as to the interpretation of existing State treaties regarding disputes on board of foreign vessels. In the year 1902, a dispute occurred between the captain and crew of the Russian steamer "Michael," then lying at Dundee, as to payment of wages and certain other matters of a disciplinary character. Some of the men appealed to the local sheriff, who placed an arrest on the steamer with a view to obtaining satisfaction for them. The local Elective Vice-Consul, whose intervention the men had declined to accept, then communicated with the State Consul at Newcastle-upon-Tyne, to whom he is subordinate. The latter was instructed by the Imperial Embassy at London to proceed to Dundee and investigate the matter. It is obvious that the crew of the "Michael" were under obligation to abide by the terms of their contract and to obey the prescriptions of the Russian law as to discipline on board of Russian vessels, and that, on the other hand, the sheriff being alike ignorant of Russian law and the Russian language, could hardly judge a question which wholly turned on those laws. The local Elective Vice-Consul, instructed by the State Consul at Newcastle-upon-Tyne, was, therefore, the only competent judge in the matter, particularly in view of the "most favoured nation" clause previouly referred to. The representations of the Newcastle State Consul to the above effect and his request that the "Michael" be freed from arrest were not, however, productiveof the desired result, and the only course left to him in order to escape the interference of the sheriff, was to induce the men to submit to his authority, and, after investigating and settling the several disputes, to persuade them to withdraw their claims from the sheriff's court, whereupon the "Michael" was released from arrest.

§ 268. Case of the ship "Michael."

A similar case occurred at Pensacola with the Finnish ship "Alkukvi," which was arrested by the local law court on account of a claim for wages by one of the men. The local Vice-Consul protested, relying on Art. 8 of the Russo-American Treaty of 1832 already referred to. The local American court replied that, the claimant having left the ship and being then on American soil, he was under the protection of American laws. According to this interpretation every deserter from a Russian ship, when in the territory of the United States, would be at liberty to break the terms of his contract, and the provisions of the Treaty of 1832 would be rendered a dead letter by the act of desertion, which is, in itself, unlawful. The American Court was ultimately convinced of its error and released the ship.

269. Case of the Finnish ship "Alkukvi."

It is clear that all cases of disputes and misunderstandings between the masters and seamen on board Russian vessels can only be settled by Russian Consular Officers in accordance with Russian law. Agreements between captains of Russian vessels and their

crews are, therefore, equally binding on the parties whether in Russian or foreign waters. Such cases must be settled by the competent State or Elective Russian Consular Officer, in accordance with the Trade and Consular Regulations of the Russian Empire and the Finnish Maritime Code, account being taken of the provisions of special agreements between the parties. Russian or Finnish seamen are only entitled to apply to local tribunals at ports where there are no Russian Consular Officials.

In the event of members of the crew of a Russian ship applying to the local authorities at a port where there is a Russian Elective Consular Official, the latter is required to report the matter to his State Consul. If no special rule of procedure is provided for in such cases by State Conventions, the local authorities may comply with the request of foreign sailors to settle their disputes, but, in doing so, they are bound to respect the stipulations of the contract between the captain and the crew, as of a lawfully concluded agreement which is equally binding on the parties whether at home or abroad. If the agreement is couched in general terms, such as "according to the laws of Russia," and if the local authorities apply to the Russian Consular Officer for information as to the stipulations of Russian law, such information may be supplied by him.

It is the duty of the Consul to see that any Russian subject when arrested is treated with humanity, is properly defended and impartially judged, and that his ship is not delayed.[1]

§ 270. Disputes on board of Finnish vessels.

The **Finnish** Regulations contain special provisions as to the competency of foreign courts of law. Thus, Art. 6 of the Finnish Regulations for Captains and crews of merchant vessels of the 30th March 1848 provides that, "If while on a voyage a dispute occur between the captain and the crew of a Finnish vessel, whether on sea or on shore, neither party is permitted to apply to a foreign law court, but is obliged to wait for the settlement of all claims until the arrival of the ship at a Finnish port." Anyone infringing this rule is liable to forfeit any balance of wages due to him, and the decision of the foreign court will be declared null and void. The captain is not, however, prohibited from procuring the assistance of the local authorities abroad in cases of insubordination or mutiny of his crew, if he is not able to bring them back to their duties by the ordinary means.

On the same lines, the Finnish Maritime Code, Art. 63, provides that in the event of a crime or offence of any magnitude being committed against the penal laws by a member of the crew of a Finnish ship, the captain must report the matter immediately on his arrival to a competent Finnish tribunal. At the same time, if the crime is sufficiently serious, or the safety of the ship renders it necessary, the captain is entitled to keep the man under arrest nntil such time as it is possible to hand him over either to the authorities in Finland or to a Russian Consular Officer abroad.

[1] Cons. Reg., Art. 104.

Differences between Consular Officers and Russian subjects, such as sailors, merchants, &c., in relation to actions performed by them in the course of their Consular duties, must be referred to the Imperial Legation accredited to the country in which the particular Consular Officer resides, and to the Russian Ministry of Foreign Affairs.[1]

CHAPTER X.—SAILORS' RATIONS.

§ 271. Sailors' rations.

THE captain must supply each member of the crew with daily rations consisting of a sufficient quantity of food and fresh water, and the crew on their part have no right to demand more for each individual per day than the rations fixed according to the following scale (*see* p. 176) for sailors on board of Imperial men-of-war.[2]

In the event of the captain being, for some good reason, unable to procure any of the articles in the above scale, he is at liberty, after consulting the crew, to substitute something similar.[3]

The captain of a ship is not permitted to reduce the rations except in exceptional circumstances.[4]

If, in consequence of unfavourable winds or other unforeseen circumstances, the captain is compelled to reduce the rations, he can only do so with the consent of the chief mate, boatswain, carpenter, and the oldest or most efficient seaman. On arrival in port he must pay the men the difference in money.[5]

If on arrival in port, the captain is able to procure fresh meat, vegetables and fruit at a moderate cost, he should supply the crew with them at least three or four times a week; but the crew are not entitled to demand such food, especially if it is at all expensive at the port in question.[6]

In case of dissatisfaction on the part of the crew, either with the quality or the quantity of the food supplied to them, they must report the matter to the captain. Even if he fails to give them satisfaction, they must continue to obey orders and fulfil their duties until their destination is reached. On arrival they should lodge a complaint with the Consul whose duty it will be to carefully investigate the matter and give his decision. If it appears that the victuals have, in fact, been deficient, either as to quantity or quality, the Captain must compensate the men by a money payment.[7]

Finland.

The Maritime Code of **Finland** (Art. 42) provides further, that if the rations have been reduced through scarcity during a voyage, such reduction must be made up for by a money payment, when the final settlement of the crew's wages is made.

[1] Cons Reg., Art. 106. [2] Trade Reg., Art. 276. [3] *Ibid.*, Art. 277.
[4] *Ibid.*, Art. 278. [5] *Ibid.*, Art. 279. [6] *Ibid.*, Art. 280.
[7] *Ibid.*, Art. 268.

TABLE OF RATIONS.

—	Sunday. Breakfast.	Sunday. Dinner.	Sunday. Supper.	Sunday. Total.	Monday. Breakfast.	Monday. Dinner.	Monday. Supper.	Monday. Total.	Tuesday. Breakfast.	Tuesday. Dinner.	Tuesday. Supper.	Tuesday. Total.	Wednesday. Breakfast.	Wednesday. Dinner.	Wednesday. Supper.	Wednesday. Total.	Thursday. Breakfast.	Thursday. Dinner.	Thursday. Supper.	Thursday. Total.	Friday. Breakfast.	Friday. Dinner.	Friday. Supper.	Friday. Total.	Saturday. Breakfast.	Saturday. Dinner.	Saturday. Supper.	Saturday. Total.	Total quantity per week: Russian weight. Russian pounds and Zolotniks.	Total quantity per week: A proximate weight avoirdupois. Lbs. and ounces avoirdupois.
	ZOLOTNIKS.																													
Meat, fresh or salt	—	72	—	72	—	72	—	72	—	72	—	72	—	72	—	72	—	72	—	72	—	72	—	72	—	72	—	72	5 p. 24 z.	4 lbs. 11 oz.
Meal, buckwheat	—	—	22	22	—	—	22	22	—	—	22	22	—	—	22	22	—	—	22	22	—	—	22	22	—	—	22	22	2 p. 38 „	2 „ 2 „
Meal, oat	—	10	—	10	—	10	—	10	—	10	—	10	—	10	—	10	—	10	—	10	—	10	—	10	—	10	—	10	— 70 „	— 10½ „
Butter	4	—	6	10	4	—	6	10	4	—	6	10	4	—	15	19	4	—	6	10	4	—	15	9	4	—	6	10	— 88 „	— 12½ „
Sour cabbage, or fresh greens	—	40	—	40	—	40	—	40	—	40	—	40	—	40	—	40	—	40	—	40	—	40	—	40	—	40	—	40	2 p. 88 „	2 lbs. 10 „
Biscuits	—	—	—	183	—	—	—	183	—	—	—	183	—	—	—	183	—	—	—	183	—	—	—	183	—	—	—	182	13 „ 33 „	12 „ —
or Bread	—	—	—	264	—	—	—	264	—	—	—	264	—	—	—	264	—	—	—	264	—	—	—	264	—	—	—	264	1 „ 24 „	17 lbs. 5 oz.
Brandy (charky)	—	⅔	⅓	1	—	⅔	⅓	1	—	⅔	⅓	1	—	⅔	⅓	1	—	⅔	⅓	1	—	⅔	⅓	1	—	⅔	⅓	1	7 charky.	1·512 pints.
Vinegar (charky)	—	¼	—	¼	—	¼	—	¼	—	¼	—	¼	—	¼	—	¼	—	¼	—	¼	—	¼	—	¼	—	¼	—	¼	1¾ „	0·378 „
Salt	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	—	5 1/7	— 36 z.	— 5 oz.
Tea	—	—	—	¾	—	—	—	¾	—	—	—	¾	—	—	—	¾	—	—	—	¾	—	—	—	¾	—	—	—	¾	— 5¼ „	— ¾ „
Sugar (refined)	—	—	—	9	—	—	—	9	—	—	—			—	—	9	—	—	—	9	—	—	—	9	—	—	—	9	— 63 „	— 9½ „
Tobacco (Mahorka)	—	—	—	2	—	—	—	2		—	—	2	—	—	—	2	—	—	—	2	—	—	—	2	—	—	—	2	— 14 „	— 2 „
Soap. (a) *on steamships the engineer's crew:* In home waters	—	—	—	4	—	—	—	4	—	—	—	4	—	—	—	4		—	—	4	—	—	—	4	—	—	—	4	— 28 „	— 4 „
Soap. In foreign waters	—	—	—	7 3/7	—	—	—	7 3/7		—	—	7		—	—	7	—		—	7 3/7	—	—	—	7 3/7	—	—	—	7 3/7	— 53 „	— 8 „
Soap. *Other members of the crew:* In home waters	—	—	—	2	—	—	—	2	—	—	—	2	—	—	—	2	—	—	—	2	—	—	—	2	—	—	—	2	— 14 „	— 2 „
Soap. In foreign waters	—	—	—	4 4/7	—	—	—	4 4/7	—	—	—	4 4/7	—	—	—	4 4/7	—	—	—	4 4/7	—	—	—	4 4/7	—	—	—	4 4/7	— 33 „	— 5 „
Soap. (b) *on sailing ships*	—	—	—	1	—	—	—	1	—	—	—	1	—	—	—	1	—	—	—	1	—	—	—	1	—	—	—	1	— 7 „	— 1 „

N.B.—Russian. 10 charkas = 2·16 pints. 1 zolotnik = 0·15 ounce avoirdupois. 1 lb. = 0·90 lbs. avoirdupois. British.

CHAPTER XI.—DESERTERS.

§ 272. Deserters from Russian ships of war.

THE duties of Russian Consular Officers, in regard to deserters from Russian or Finnish ships, depend upon whether the desertion takes place from a man-of-war or from a merchant vessel. If one of the crew of a Russian man-of-war, having left his ship, report himself of his own accord at a Russian Consulate within three days, the Consular Officer must give him a certificate stating that he has so reported himself, and communicate the particulars of the case to the Ministry of Marine.[1] If the desertion is from a merchant vessel, the Consul must report to the Central Board of Commercial Shipping and Ports or the Governor-General of Finland.[2] In the case of a deserter of foreign nationality, the Consul must endeavour to induce him to return to his duties, either through the intervention of the Consular representative of the nation to which he belongs, or through the local authorities. In the event of refusal on the part of the local authorities to co-operate with him, the Consular Officer should lodge a protest with them in a proper manner, and report to his immediate superior.[3]

§ 273. Deserters from Russian merchant vessels.

The degree of liability of a deserter from a Russian ship of war is fixed by military law, and that of a deserter from a Russian merchant vessel by Art. 1,271 of the Russian Penal Code, according to which, persons serving on board of Russian merchant vessels and refusing wilfully, and without sufficient reason, to perform the duties for which they were engaged, are liable, on complaint being formally made by the captain, to imprisonment for not less than seven days, and not more than three weeks; while for desertion the punishment fixed by the same law is imprisonment for a period of from two to four months. If no complaint is made by the captain, the deserter is not prosecuted in Russia. In order to discourage desertion on the part of Russian sailors, Captains of Russian vessels should not omit to lodge complaints with the competent Russian Courts, and Consular Officers are recommended to urge upon them the advisability of so doing in every case of desertion.

Any sailor or other person employed on board of a Russian ship and wilfully absconding therefrom, or refusing to sail with her without first procuring his lawful discharge, forfeits to the owners of the said ship all wages due to him and also any personal property that may be on board the vessel 72 hours after he leaves the ship or declares his refusal to sail with her. If such refusal or desertion occur while the ship is in foreign waters, and the captain is forced to engage a substitute, the deserter will be obliged to make good any balance of wages which it may be necessary to pay to such substitute in excess of the amount contracted for by the deserter.[4] On receipt of a captain's report of the desertion of one of his crew, or of any acts of violence or insubordination on the part of members

[1] Cons. Reg., Art. 37.
[2] Cons. Reg., Art. 83.
[3] Cons. Reg., Art. 39.
[4] Trade Reg., Art. 260.

thereof, the Consular Officer must proceed to make a careful investigation into all the circumstances of the case and lend his aid to the captain, in order to induce the men to return to their duties. If the sailors obstinately refuse to pay any attention to the representations of the Consular Officer and refuse to return to their duties, they forfeit the right to be sent home at the expense of the owner of the ship, and Elective Consular Officers must, accordingly, send them to Russia as opportunity offers, with the help of the local authorities, as sailors on board of Russian men-of-war or merchant vessels, reporting the matter to their State Consuls, who, in their turn, report to the Central Board of Commercial Shipping and Ports, or to the Governor-General of Finland.[1]

§ 274. Deserters reporting to Consular Officers.

Deserters from Russian men-of-war or merchant vessels who report themselves at Russian Consulates and confess to having absconded from their ships, at the same time petitioning to be sent back to Russia, are entitled to assistance from the Consular Officer, who, in such cases, must make sure that the men do actually return to Russia by placing them, if possible, on board of Russian or Finnish ships proceeding to ports in Russia or Finland,[2] at the same time addressing an official letter to the captain containing all particulars relating to each man, viz., that he presented himself at the Consulate and declared his name to be (name, patronymic, and surname); that he belongs to the Government of....., district of....., or town of.....; that he left Russia in the ship (state name and nationality of ship) on the (give the date); that he deserted at (name the port), and that he now desires to be sent back to Russia. The Consular letter to the captain must contain instructions to the latter to take charge of the man, and to deliver him to the authorities on arrival of the ship at the first Russian port. The captain is required to give a written acknowledgment of the Commission, a copy of which, certified by the Consul, must be annexed to the Consular report of the case. This Consular letter is equivalent to a passport, and must be produced to the authorities at the Russian port immediately on arrival of the vessel there. It must be borne in mind, however, that captains of Russian ships cannot be compelled to repatriate deserters, and that their doing so depends on their goodwill and the accommodation they may have on board.

§ 275. Deserters from Finnish vessels.

Captains of **Finnish** vessels, however, if returning to Finland, are not entitled to refuse to take on board either Russian or Finnish sailors who have for some reason or another been left abroad, provided a reasonable payment is made for their board. Any captain of a Finnish ship refusing to take a man on board without a legitimate reason, is liable to a fine of from 100 to 300 Finnish marks.[3]

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[1] Trade Reg., Art. 296. [2] Cons. Reg., Arts. 35 and 36.
[3] Maritime Code of Finland, Art. 78.

Russian Consular Officers, when sending Russian subjects home, must endeavour to avoid all unnecessary expense. They must, if possible, select Russian vessels for the purpose, as the captains of such vessels may consent to take the men across free of all charges beyond the cost of their food. Expenses incurred in this manner are refunded by the Russian Central Board of Commercial Navigation and Ports, the Governor-General of Finland, or the Ministry of Marine, according to whether the deserter belonged to a Russian merchant vessel, a Finnish merchant vessel, or a man-of-war. Elective Consular Officers must give an account of their outlay to their State Consuls, enclosing vouchers and using the form which will be found under "Repatriation of Seamen."[1]

§ 276. Establishing the identity o deserters.

Before rendering any assistance to deserters, Russian Consular Officers must satisfy themselves that the applicants for such assistance are really Russian subjects. As it only rarely happens that these men possess papers to prove their nationality, Elective Consular Officers should request the captains of the ships in which they propose to send them to Russia to examine the men with a view to establishing their identity and ascertaining whether they are really sailors or not. If it is impossible to verify their statements, the authorities of the districts in Russia to which the deserters profess to belong must be communicated with. In Consular practice, however, this is very rarely done, as destitute men who apply for assistance to the Consulate are not in a position to wait until an answer is received from Russia.

If the Consular Officer is unable to establish the Russian nationality of a deserter, or to find a captain who is willing to take the man to Russia, he can do nothing for him as, in principle, Consular Officers must avoid doing anything that might serve to encourage desertion from Russian ships. For this reason they should not send such deserters from one port to another, as the assistance of the Government is only given with a view to enabling the men to return home. It is not in the interests of Russian shipping to encourage vagrancy by enabling deserters to travel from place to place, obtaining pecuniary assistance at one Consulate after another.

§ 277. Arrest of deserters.

In cases of desertion from Russian men-of-war or merchant vessels, either in a port where a Consular Officer resides or in any other foreign port, the Consul must, on the information of the commander or captain, immediately give notice to the proper local authorities requesting their assistance in searching for and arresting the deserter.[1] The speediest way of proceeding in such cases is to give the captain a letter to the local Chief Constable or Police Magistrate, which can be taken to the addressee by the captain himself or by a special messenger. The letter should be worded as follows: "I have the honour to request that the assistance

[1] Cons. Reg., Art. 34.

of the police may be afforded to Mr.....,captain of the Russian vessel....., lying at....., to recover and send on board his vessel the undermentioned sailor(s) of his crew, who deserted on the....." The expenses for recovering the man and coveying him on board of the ship must be borne by the captain and deducted from the man's wages.

§ 278. **Crimps.**

One of the circumstances which serve to encourage the desertion of Russian sailors in the ports of Great Britain and her colonies, and of the United States of North America, is the activity of a certain class of men commonly called crimps, who instigate the sailors to desert, conceal, lodge and board them, lend them money at usurious interest, and procure them berths on board of other ships in consideration of the payment of fixed sums of money as commission, which are paid out of the advance money received by the sailors on joining the ship. In **Great Britain** this obnoxious profession has given rise to a series of repressive measures. Thus, under the Merchant Seamen Payment of Wages Act of 1880, the promissory notes which the sailors used to give to crimps as receipts for money were prohibited. A heavy fine of not exceeding £20 was imposed upon any stranger visiting a ship without the permission of the captain. Finally, lodgings for sailors were only allowed to holders of special licences. However, these restrictive measures concerning crimps could only be applied to the defence of the interests of foreign shipping on the strength of a special Order in Council, which was obtained in diplomatic course by States the legislation of which offers the same guarantees against the misdoings of crimps as the existing laws in England, or, in other words, which grant reciprocity. Such Orders in Council were obtained by Sweden, Norway, Germany, Italy and Denmark; but could not be obtained as regards Russia, as Russian legislation does not contain analogous restrictive measures against crimps. Therefore Russian shipping is unfortunately in this respect entirely unprotected in British waters.

§ 279. **Merchant Seamen Payment Act, Great Britain.**

Several States have passed laws tending to eliminate the obnoxious influence of crimps. Such is the **Belgian** law of 26th June 1889. In the **United States of North America** the law of the 14th June 1884 (510) prohibited the payment of wages to sailors on board of merchant vessels in advance, and a course of summary procedure was introduced for the purpose of dealing with crimps.

§ 280. **Belgium. The United States.**

Although the exequatur granted to Russian Consular Officers by local governments, and their official admission to the performance of their Consular duties, give them the right to request the assistance of the local authorities in arresting deserters from Russian ships and handing them over to their captains, this has often been made the object of special State treaties in which the proceedings to be taken in such cases are determined with full details.

§ 281. **Deserters. Great Britain. 278, 279**

The convention of commerce and navigation concluded between Russia and **Great Britain** on the 31st December/12th January 1858-59

(Art. 17), stipulates that Russian Consular Officers in Great Britain shall receive from the local authorities such assistance as may be in accordance with local laws, to enable them to recover deserters from Russian men-of-war or merchant vessels, and return them to their ships. The assistance accorded by the British police is limited by the Act of Parliament of 17th June 1852 to the sending of deserters on board of their ships. The laws of England do not allow of a deserter being kept in prison till the moment when the ship is ready to leave the port.[1] On the other hand, the captain, according to English laws, is not permitted to deal directly with the local police, but must do so through the Consular Officer. The right of the latter to intervene in the matter terminates with the departure of the ship from the port.

§ 282. Sweden.

The declaration on the subject of extradition of deserters from ships, concluded between Russia and **Sweden** on the 27th March/8th April 1812, provides that the request for extradition must be addressed to the Governmental Authorities of the place where the desertion occurred, who are obliged to take all the measures prescribed by law to find and arrest the deserter; extradition will then be granted on payment by the person by whom extradition is demanded of the expenses incurred, after it has been proved from the crew list that the deserter really belonged to the particular ship. Extradition is allowed without taking into account any liabilities or debts which the deserter may have contracted while in the country.

283. Austria, Belgium, Greece, Netherlands, United States, France, Spain, Germany, Italy.

More detailed agreements as to arrest and delivery of deserters are contained in the treaties of commerce and navigation concluded by Russia with **Austria** on the 2nd/14th December 1860, Art. 18; with **Belgium** on the 28th May/9th June 1858, Art. 20; with **Greece** on the 12th June 1850, Art. 9; with the **Netherlands** 1st/13th September 1846, Art. 15; with the **United States of North America** on the 6th/18th December, 1832, Art. 9, and in the Consular Conventions concluded by Russia with **France** on the 20th March/1st April 1874, Art. 12; with **Germany** on the 26th November/8th December 1874, Art. 12; with **Italy** on the 16th/28th April 1875, Art. 12; and with **Spain** on the 11th/23rd February 1876, Art. 12. The articles of these treaties that are mentioned are nearly identical, and are as follows: In order to procure the extradition of a deserter, Russian

[1] By an Order in Council of 27th August 1860 for the apprehension and delivery of seamen deserting from Russian merchant vessels in British ports, it was established that seamen who are not British subjects and who, within His Britannic Majesty's dominions, desert from merchant ships belonging to the subjects of His Majesty the Emperor of all the Russias, shall be liable to be apprehended and carried on board their ships. The Act of Parliament relating to the payment of wages and rating of merchant seamen 2nd August 1880 (40 and 43 Vict., chapter 16), contains the following:—"Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner or ship's husband, may, with or without the assistance of the local police officers or constables, who are hereby directed to give the same if required, convey him on board."

Consular Officers must apply, in writing, to the competent tribunals, judges, or other functionaries, and must produce the register, crew list, or other official documents of the ship, or, if the ship has sailed, a copy of them, duly attested by themselves, to prove that the men whose extradition they demand were really members of the crew of the ship in question. On receipt of this demand, supported by the evidence mentioned, the deserter is given up without further difficulty. Once the arrest has been effected, deserters are at the disposal of the Consular Officers, and may even, at their request, be detained in the local prisons until they can be transferred to the ship to which they belong, or until an opportunity occurs of sending them to their native place in a ship of the same nationality, or by any other means. The expenses of such detention are paid by the Consular Officer, whose outlay will be refunded by the party at whose request the arrest is made. If no opportunity of sending the deserter home presents itself within a reasonable time, or if the cost of his imprisonment is not paid promptly, he may be set at liberty and may not be rearrested on the same charge.

If a deserter from a ship commit a crime or offence on shore, his extradition may be delayed by the local authorities until after his trial by a competent authority, and until the resulting judicial decision has been fully carried out. The time during which arrested deserters remain at the disposal of the Consul is fixed at two months by the Consular Conventions with **France, Germany, Italy,** and **Spain**; at three months by the treaties with **Austria** and with the **Netherlands**; at four months by the treaties with **Greece** and with the **United States of North America**; and at five months by the treaty with **Belgium.** The above-named Consular Conventions specially mention that deserters who are subjects of the State where they desert are not liable to extradition.

§ 284. France, Germany, Spain, Austria, Netherlands, Greece, United States, Belgium.

§ 285. Turkey.

The **Ottoman Empire** has also recognised the obligations to deliver deserters from Russian ships, by the Treaty of commerce concluded with Russia on the 10th June 1783, Art. 2, but stipulates that extradition will not be granted if, in the interval, the person concerned has embraced the Mohamedan faith. In such case not only Russian deserters, but even Russian subjects who have become slaves, are not delivered up to Russia.

§ 286. Corea.

The treaty between Russia and **Corea** of 25th June 1884, Art. 3, paragraph 10, and the rules relating to overland trade between the two States of the 8th August 1888 (Art. 6, paragraph 10), contain the stipulation that on the demand of the proper Russian authorities the Corean authorities will be bound to arrest and to hand over any deserter from a Russian warship or merchant vessel.

§ 287. Japan.

An analogous stipulation is contained in the Treaty of Commerce and Navigation concluded between Russia and **Japan** on the 27th May 1895, Art. 13, paragraph 1. Subjects of the State where the desertion took place are not liable to extradition.

§§ 284, 285, 286, 287.

As soon as the deserter is delivered to the Consular Officer the latter must arrange to have him conveyed on board the ship to which he belongs, or, if the ship has sailed, he must send him on board the first Russian or foreign ship going to Russia,[1] obtaining from the captain thereof a voucher for him.

§ 288. Finland.

The laws of **Finland** contain the following provisions relating to the desertion of sailors from Finnish vessels:—

If any member of the crew of a Finnish ship leave the vessel in a foreign port without having first obtained permission to do so, the captain must immediately inform the Russian Ambassador, agent, Consul, correspondent, or commissioner of the fact, and request assistance to discover and arrest the deserter.[2] Once a sailor is enrolled in the crew list of a vessel, he must proceed to his post when ordered to do so, unless a special agreement has been made as to the time when his services commence. If he fails to report himself at the time fixed, or if, after having entered upon his duties, he absent himself from the vessel without having previously obtained permission to do so from the master, or if he prolong his absence beyond the leave granted him, he is liable to be brought on board at his own expense and fined from 5 to 50 Finnish marks. The same applies to any seaman who contracts a second engagement before the first one is terminated.[3]

A sailor convicted of deserting his vessel is liable to six months imprisonment. If he return of his own free will, or if other extenuating circumstances are admitted, the punishment inflicted is a fine of 20 to 100 marks, or one to three months imprisonment. If he leave the vessel on her being shipwrecked, or at any other time of danger, without having done his duty in attempting to save lives or goods, he is liable to a fine of 50 to 200 marks, or to twelve months imprisonment.[4]

CHAPTER XII.—MISCONDUCT OF CAPTAINS.

STATE and Elective Consular Officers must take notice of any complaints made by passengers against the captains or the crews of Russian vessels, and report such complaints: Elective Consular Officers to the State Consuls to whom they are subordinate, State Consuls to the Central Board for Commercial Shipping and Ports. Captains must also be reported if, through misconduct, carelessness, or ignorance, they endanger the safety of the crew of the vessel or any commercial interests entrusted to their charge.[5]

[1] Cons. Reg., Art. 35. *See also* above.

[2] Maritime Code of Finland of 1839, 28th May, Art. 24; Finnish Regulations for Skippers and Crews of Merchant Vessels of 1848, 30th March, Chapter IV., Art 5.

[3] Maritime Code of Finland, Art. 58.

[4] *Ibid.*, Art. 66.

[5] Cons. Reg., Art. 102.

§ 289. Misconduct of Captains.

It is the Consul's duty to prevent and check all oppression of sailors on the part of the captains. He may cancel a contract between the captain and his officers or men on account of ill treatment, insufficiency of food, or for any other valid reason. Should a captain behave in such a manner as to render it impossible for him to be allowed to continue in command of a ship, the Consul may dismiss him and replace him by a person worthy of confidence. The appointment must be made agreeably to the wishes of the correspondent or the authorised agent of the owner, if there happens to be one on the spot. It is only when there is no such agent on the spot, and when there is no possibility of consulting the owner by letter or wire, the circumstances of the case not admitting of delay, that the State Consul is authorised to dismiss and replace the captain on his own initiative. Elective Consuls must report to the State Consuls of their district who inform the owner of the ship and the Central Board for Commercial Shipping and Ports of the reason which induced him to change the captains.[1] It must be borne in mind that the facts upon which such dismissal is based must be of a sufficiently grave character. They must be self-evident, or confirmed by reliable witnesses. The Consul takes all the responsibility for his interference.

§ 290. Dismissal of Captains.

§ 291. Finland.

The above rules apply equally to the captains of Finnish vessels, as Art. 103 of the Russian Consular Regulations makes no exception in their case. Art. 53 of the Finnish Maritime Code is, however, in contradiction to the aforesaid Art. 103 of the Russian Consular Regulation, and only admits the interference of the Consular Officer in exceptional cases. The Consular Officer must, therefore, when applying Art. 103 of the Consular Regulations to Finnish ships, be particularly careful to have sufficient grounds for his interference.[2]

The Maritime Code of Finland contains, Art. 62, the following provision relating to misconduct on the part of captains of Finnish vessels: "A Captain who abuses his right of inflicting punishment, or refuses, without adequate reasons, to issue their daily rations to the crew, is liable to a fine of fifty to two hundred marks. For ill-treating any member of the crew he is liable to punishment under the penal code."

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[1] Cons. Reg., Art. 103; Circular of the II. Department of the Ministry of Foreign Affairs of 2nd August 1860, No. $\frac{7133}{138}$.

[2] *See* " Death, removal and change f Captain.

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CHAPTER XIII.—Invalid Sailors.

§ 292. Invalid Sailors.

If it is necessary to land a person from a merchant vessel on account of sickness, the captain must request the permission of the Consul to do so, and must deposit at the Consulate a sum of money, the amount of which is determined by the Consul, to defray the expenses of the treatment of the patient and eventually those of his return home, or burial. Instead of a deposit the captain may, with the Consul's assent, give security, the person giving the security undertaking in writing to pay the above-mentioned expenses.[1] In case of violation of these rules, the Elective Consul must draw up an official report of the case and send it to his State Consul, and the latter forwards it to the Central Board of Commercial Shipping and Ports. The Consular Officer must provide for the wants of the invalid when left behind and the Central Board of Commercial Shipping and Ports will refund him his outlay unless, in case of death, the effects left by the deceased suffice to defray the expenses incurred.[2] On the recovery of the invalid the Consul must send him to Russia, unless he wants to take a situation on board a ship at a local port.

As to the amount of expenses to be paid by the captain for the invalid sailor, and the sum to be deposited at the Consulate, the Consular Officer should take into account the special circumstances of each case and comply with the following rules:

§ 293. Crippled sailors.

If one of the crew of a Russian merchant vessel is injured in the performance of his duties he is entitled to claim from the Captain not only the expenses of the treatment and care he has required, but also all expenses that may be caused by the injury and if, through it, he is unable to continue his voyage in the ship, the captain must pay his travelling expenses to the place from which he was shipped, all these expenses being paid on behalf of the owner of the ship.[3] If one of the crew of a Russian merchant vessel is taken ill, and, in consequence of his inability to continue the voyage, is left by the captain ashore, all his wages up to the end of the time fixed by his agreement with the captain must be paid to him.[4] If one of the crew of a Russian merchant vessel loses a limb during the performance of his duties, the captain of the ship, in addition to paying for proper treatment, must pay him, on behalf of the owner of the ship, double the wages agreed upon.[5] If, however, one of the crew of a Russian merchant vessel is crippled while in a state of intoxication, or in an unlawful fight, or is rendered incapable of fulfilling his duties on the ship as a result of his own dissolute conduct, he loses his wages, and the captain is entitled to retain them, so as to

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[1] Cons. Reg., Arts. 69 and 70.
[2] Cons. Reg., Art. 71.
[3] Trade Reg., Art. 288.
[4] *Ibid.*, Art. 289.
[5] *Ibid.*, Art. 290.

be able to take another man in his ploce. If such a thing happen in a foreign country the captain is bound to send the man back to Russia.[1]

§ 294. Finland.

The Maritime Code of **Finland** of the year 1874 contains the following provisions about invalid sailors serving on board of Finnish vessels: If a seaman fall ill or be injured while serving on board a vessel, he is entitled to his wages, and to maintenance, attention and medicine for so long as he remains on board. If the captain is compelled to have him transferred ashore, and if it be in a foreign country, he must place him under the protection of the Consul, or, where there is no Consul, in the care of a reliable person, and, whether it be in Finland or abroad, he must pay all the expenses of the illness during a period of not more than two months, besides the wages due to the sailor. If the sailor has brought his sickness upon himself by his own fault, he receives pay for the time of his effective service, but is not entitled to any expenses for medical treatment and attendance after he leaves the ship. If he is not in a position to pay his own expenses, the captain must advance the amount requisite for a month's treatment, which sum the sailor will be required to refund.[2] The cost of the return journey of a sailor who has been prevented by illness from accompanying his vessel to the port or place of his signing on, are to be borne by the owner. In any case in which an opportunity occurs of transferring the sailor to another vessel going to his own country, whereby he may return there, he is not entitled to refuse to accept employment of the same nature as that which he fulfilled before. Should the rate of wages paid be lower than he received in the first instance, the owner must make up the difference. The owner is, however, not under the same obligation if the sailor has been dismissed for misconduct or through illness which he has brought upon himself, or if he demand his discharge for the purpose of improving hls position, or of getting married.[3]

The captain of a Finnish vessel returning to Finland may not refuse to take on board, provided a reasonable charge be paid, any invalid Finnish or Russian sailors who have been left behind in a foreign country. Any captain refusing to do so without lawful excuse is liable to a fine of 100 to 300 marks.[4]

§ 295. Effects of Invalids and crippled sailors.

Elective Consular Officers must forward to the State Consul to whom they are subordinate an inventory in duplicate of the effects of any invalid sailor left in their charge or sent home by them, and the account of their expenses for treatment, with the vouchers for the same, using the form given in Chap. XVI., "Repatriation of Seamen."[5] If he received a deposit of money

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[1] Trade Reg., Art. 265. [2] Maritime Code of Finland, Art. 75.
[3] *Ibid.*, Art. 77. [4] *Ibid.*, Art. 78.
[5] Cons. Reg., Art. 71.

from the captain, he must also give an account of it, and if, after recovery of the patient, there remains any balance, he must send it to the State Consul, in order that it may be returned to the owner of the ship on board of which the invalid served. State Consuls report to the Central Board of Commercial Shipping and Ports.[1]

CHAPTER XIV.—DEATH OF SAILORS.

§ 296. Death of sailors.

IN case of the death of a sailor on board of a Russian ship in the course of a voyage, the captain must draw up a statement of the occurrence, giving all particulars. This statement must be signed by all[2] the members of the crew and produced to the Russian Consular Officer at the nearest port of call. Should the death of a seaman on board of a Russian ship take place while the ship is in port, a certificate of death must be obtained from the local authorities. The statement referred to above, or the certificate of death, must be attested by the local (State or Elective) Consular Officer. In the case of Elective Consular Officers, these documents must be sent to the State Consul to whom they are subordinate, together with the deceased's passport, his wages account, signed by the captain, the balance of wages due to him (if any), a list of his effects, signed by the Consular Officer,[3] and an account of the burial expenses.[4]

After the Consular Officer has drawn up a list of the deceased's effects, he must seal them with the Consular seal and hand them over to the captain in exchange for a receipt, in which the captain must state that he undertakes to deliver them to the persons who are entitled to them or to the proper authorities in Russia. The Consular Officer must give the captain a certificate stating that the parcel or bag sealed with the Consular seal contains the deceased's effects.

State Consuls report the matter to the Central Board of Mercantile Shipping and of Ports, which refunds their outlay, unless the effects left by the deceased, and the balance of wages due to him, suffice for the purpose.[5]

If a sailor dies of an infectious disease, his effects must be destroyed.[6]

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[1] Cons. Reg., Art. 71.
[2] Code of Laws relating to the Civil Estates, Art. 979, ed. 1899.
[3] Trade Reg., Art. 991.
[4] Cons. Reg., Art. 79.
[5] Cons. Reg., Art. 71.
[6] Cons. Reg., Art. 73.

If a member of the crew of a Russian merchant vessel dies from injuries received in the performance of his duties, his heirs are entitled to claim double the amount of wages due to him at the time of his death. If the heirs are not on the spot, the money, together with the deceased's other belongings, must be sent in the usual way, to be handed over to the heirs.[1]

§ 297. Finland.

The Maritime Code of Finland contains the following provisions: If a sailor dies during a voyage, the captain must take the necessary steps to ensure that the body receives decent burial, the cost of which must be borne by the owners, if the wages due to the deceased are insufficient for the purpose. The captain must, further, make an inventory of deceased's effects, selling by auction such of the property as is of a perishable nature, and he must then, without delay, send a complete and detailed account of the whole matter to the Shipping Office, in the interests of the lawful heirs of the deceased.[2]

CHAPTER XV.—DEATH, REMOVAL OR CHANGE OF CAPTAIN.

§ 298. Appointment of a new captain.

IN the event of the death of the master of a Russian vessel, the Consul must appoint a successor. In such event he must comply with any instructions that may have been given to the deceased, and only in the absence of such instructions may he give preference to the chief officer of the ship. If practicable, the Consul should communicate with the owners and act in concert with them or with their agent. By this means he will at once reduce his responsibility and simplify his work. On the other hand, the Consular Officer is required to satisfy himself that the person appointed to the command of the ship possesses the requisite qualifications for the post, and, with this view, he must have him examined by competent persons, selected, where possible, from among Russian subjects.[3]

§ 299. Inventory of ship's tackle, stores, provisions, &c., &c., on transferring vessel.

The Consul must make an inventory of the deceased's effects and take a note of all funds belonging to the owners of the ship. He must make a list of the ship's books and seal them up, together with the deceased's effects. These he then delivers to the new captain, in exchange for a receipt, as in the case of the death of a sailor on board ship. He must also inform the owner or his agent of the appointment of a new captain.[4]

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[1] Trade Reg., Art. 290.
[2] Maritime Code of Finland, Art. 76.
[3] Cons. Reg., Art. 74.
[4] Cons. Reg., Art. 74.

§§ 297, 298, 299.

§ 300. Removal of captain by shipowners' desire.

If the owner, or owners, of a ship sailing under the Russian flag desire to remove the captain from his post and to appoint a new one in his place, the latter must produce a written appointment by the owners, duly legalised by a Notary Public. The former master and the one appointed in place of him must draw up an inventory of all the goods, tackle, apparel and furniture transferred with the ship, to which their signatures, duly legalised by the Consul, must be attached. A copy of this document must be sent by the Consul to the Central Board of Commercial Shipping and Ports if the ship is Russian, and to the Governor-General of Finland if she belongs to Finland. If the retiring captain has not the means to enable him to return to Russia, the Consul must arrange for his repatriation, sending the vouchers for his outlay to the Central Board of Commercial Shipping and Ports, or to the Governor-General of Finland, as the case may be.

Elective Consular Officers must report such cases to the State Consuls to whom they are subordinate.

It is open to a captain who has been relieved of his post at the request of the owners to bring a claim for compensation against the owners, either in Russia or Finland, if, in his opinion, his dismissal took place without adequate reason, or was not justified by any fault, or error, or misconduct on his part.

§ 301. Finland.

The **Finnish** Maritime Code contains the following regulations as to dismissal or change of masters:

If the captain is forced by circumstances to resign his command of the vessel, the wages and other emoluments due to him for the time during which he was in command, must be paid to him or, in his absence, to the person who is lawfully entitled to receive them. In such case, a part of the gratuities and wages stipulated for the voyage is paid, proportionate to the distance traversed, as compared with the total length of the voyage.

If he be deprived of his post without having in any way failed in his duty, or if he is compelled to resign his command in consequence of war, shipwreck, or other calamity, or by reason of a sickness contracted through no fault of his own, he is entitled, in addition to the wages and emoluments mentioned above, to be sent home at the expense of the owners of the ship, and also, if sick, to receive medical treatment on shore, during a period not exceeding one month.

The owners of a Finnish ship are entitled to relieve the captain of such vessel of his duties if they consider that he is no longer deserving of their confidence. If the captain is, at the same time, owner to the extent of one-half or more of the shares in the vessel he commands, the objection of his co-partners to his retaining such command must be submitted for decision to a competent tribunal in Finland.[1] If the captain is relieved of his command abroad, he is not at liberty to make any claim for compensation at the time,

[1] Maritime Code of Finland, Art. 52.

but must reserve such claim until his return to Finland. If it is decided, by a competent itribunal, that his dismissal, whether in Finland or abroad, was not justified by any fault on his part, such as inexperience, disobedience, or bad faith, the captain is entitled, over and above the wages due to him for actual service, to compensation equal to the amount of his wages for one, two, three, or four months, according as to whether he was dismissed at a port in the Baltic, or in any other European port, or at a port outside of Europe, yet this side of Cape Horn or the Cape of Good Hope, or, finally, at a port more remote than these two latter places.

If the captain has given just grounds for his dismissal by any fault or error on his own part he is liable to the legal penalty, and will be required to make good any damages that may result. If he is convicted of bad faith, carelessness or culpable negligence, the tribunal may direct the suspension of his master's certificate.[1]

When a captain assumes command of a vessel, an inventory must be drawn up of all the tackle and other furniture belonging to her, a copy of which, approved by the captain, is handed to the owners. Before taking command, the captain must satisfy himself, by careful examination, that the vessel is in good, seaworthy condition, adequately provisioned, and fitted with all requisites. If any article is deficient, the cost of supplying which the owner refuses to bear, the captain is entitled to cancel his agreement.

The captain may not delay the sailing of the ship without sufficient reason.[2] He may not abandon his vessel or his duties without the most imperative necessity. If he dies during a voyage, or be otherwise incapacitated, his place must be taken by the chief officer, who will be responsible for the safety of the ship. If the removal of the captain becomes necessary while the ship is in port, the owners must be advised of the matter and their instructions taken. If, however, this course entail too much delay to the ship, the owners' representative or the Consul, in consultation with any Finnish captains who may be on the spot, shall select a man capable of fulfilling the duties, to take charge of the vessel.[3]

[1] Maritime Code of Finland, Art. 56. [2] *Ibid.*, Art. 34.
[3] *Ibid.*, Art. 53.

CHAPTER XVI.—Repatriation and Assistance of Seamen.

§ 302. **Repatriation of prisoners of war and shipwrecked seamen.**

Liberated prisoners of war or persons saved from shipwreck must, if they are Russian subjects, be provided, by a State Consul, with passports, to enable them to return to Russia.[1] Such persons must be sent to Russia by sea in a Russian or foreign vessel. If, however, war, or other circumstances, render travelling by sea impossible or difficult, the State or Elective Consular Officer must forward them overland;[2] he is authorised to supply their most urgent wants; he may provide them with clothes, boots, and also with money for their maintenance while travelling from the place where he resides direct to Russia, or, if they cannot go direct, to the nearest Russian Consulate on the way to Russia, at the following rates: boatswains' mates, non-commissioned officers, &c. (not belonging to the nobility), 30 copecks per German mile; sailors, orderlies, and men of inferior rank in general, 15 copecks for the same distance; in addition, for every day they may be detained in a port or a town, persons of the first category, 30 copecks, and those of the second, 25 copecks; and in the case of men belonging to the merchant fleet, for every day they are compulsorily detained in a port or town: captains, 50 copecks; mates, 70 copecks; boatswains, 30 copecks; sailors, 25 copecks; and for every German mile travelled, 15 copecks for sailors, and 30 copecks for others, without distinction (in Russian money or the equivalent in foreign money, according to the rate of exchange).[3] The Consular Officer must mark on the passports of the persons whom he thus forwards to Russia the amounts he has paid them.[4]

Elective Consular Officers must send their reports of such cases and the account of their outlays to their State Consuls, and the latter must report to the Minister of Marine if naval officers or men are concerned, the Central Board of Commercial Navigation and Ports in the case of a Russian merchant vessel, and to the office of the Governor-General of Finland in the case of a Finnish ship. In presenting accounts of expenses, it must be borne in mind that they are only refunded when incurred on behalf of Russian subjects, and the State Consul must be guided exclusively by the nationality of the seaman, and not by the nationality of the vessel on which he was serving. Thus, the Consul must report to the Central Board of Commercial Navigation and Ports all expenses incurred on behalf of a Russian, even if he has been serving on board of a foreign or Finnish vessel, and to the office of the Governor-General of Finland as to expenses incurred for a Finnish sailor, even if he has been serving on board of a Russian or foreign vessel. Foreign sailors, even if they have been serving on board of Russian or Finnish vessels, are not entitled to receive monetary help for board or repatriation.

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[1] Passport Reg., Art. 265; Cons. Reg., Art. 42. Cons. Reg., Arts. 77 and 83.

[2] Cons. Reg., Art. 43.

[3] Cons. Reg., Art. 45.

In his report of each case of repatriation, the Elective or State Consular Officer must be careful to mention all the particulars, as, for instance, whether the sailor was discharged from the ship on which he served, or whether he deserted, or was shipwrecked, or left behind; whether any blame attaches to the captain, and so forth. This is important, as, according to these circumstances, it is afterwards decided whether the expenses incurred by the Consular Officer shall be refunded by the sailor himself or by the shipowner. The Consular Officer must also state in his report his reasons for believing that the man relieved by him was a sailor and a Russian subject; he must mention the place to which the man belongs and the name and address of the owner of the ship on which he served.[1]

§ 303. Monetary aid to indigent sailors.

If, for some reason, it is impossible to send the man back to Russia at once, monetary assistance may be given him. In reporting the outlay incurred, the Consular Officer must state the reason why the man could not be sent to Russia. The particulars concerning sailors who have been repatriated or have received monetary aid must be shown, using the following form, which should be printed if possible:

1. Name, surname, status.
2. Age.
3. What documents are presented, and by whom issued.
4. Birthplace (government, district, village, or community to which the man belongs).
5. Name and nationality of the ship with which the man last sailed (if the ship is Russian, the name and residence of the owner).
6. What position the man occupied on board ship.
7. His reason for leaving the ship.
8. When he left the ship.

Account of Expenses incurred by the Consular Office.

1. Medical treatment - - - - - -
2. Board - - - - - - - -
3. Clothing - - - - - - -
4. Passage to - - - - - - -
5. Ready money - - - - - -
6. Food on journey - - - - - -

Received by the Consular Officer from the captain for expenses of treatment of sick sailors on the basis of Art. 70 of the Consular Regulations - - - - -

Paid in addition by the Consular Officer - - -

Balance - - - - - - -

The receipt to be given by the man must be worded as follows:

I, the undersigned.....received in hand from the Russian Vice-Consul (or Consular Agent) at.....monetary assistance in the sum of.....

Signature of the man.
Signature of the Vice-Consul (or Agent).
Seal of the Vice-Consulate (or Agency).

[1] Circular of the II. Department of the Ministry of Foreign Affairs of 8th April 1888, No. $\frac{2439}{729}$.

The receipt must be given by the person receiving the money or by his representatives, duly empowered to do so for him. In case he cannot write, some one else may sign for him at his request, but not persons who are employed in the office where the money is given. The sums must be written in words. Persons who receive money from the State Exchequer must write their name, surname, and status legibly.[1]

§ 304. Finland.

The **Finnish** Maritime Code contains the following decisions relating to the repatriation of Finnish sailors: The expenses for the homeward voyage of a Finnish sailor who is prevented from returning on board of the ship on which he served to the port where he signed on, will be borne by the shipowner. If, however, in order to facilitate his home-coming, it is possible to place the sailor on board of another ship going to his country, he is not allowed to refuse a situation similar to the one he had before; if his wages are less, the shipowner will pay the difference; but the obligation to do so does not fall on the shipowner, when the sailor has been discharged for a fault, or through a disease which he has brought upon himself, or if he has asked to be discharged on account of an advancement or of marriage. If, on the strength of Art. 69 of the Finnish Maritime Code,[2] he asks for his discharge after two or three years of service, the expenses of his repatriation will not be paid by the shipowner, unless the contrary was specially stipulated in the conditions of his engagement. As to the obligation of the shipowner to repatriate the crew of a ship which has been wrecked or confiscated, the expenses of repatriation will be borne by the shipowner only to the amount of the value of the effects which have been saved.[3] However, this latter restriction of the Finnish laws does not affect the Consular Officer, whose outlay in repatriating shipwrecked Finnish sailors will always be refunded in full by the office of the Governor-General of Finland. Other destitute Finnish seamen, who have not been shipwrecked, but who are, from other causes, in need of money and cannot find employment, may receive, from the Consular Officer, a single payment by way of monetary assistance. The Consul must draw up a protocol and send it, with the man's receipt, to the office of the Governor-General of Finland. Such men can only be repatriated in extreme cases, as, for instance, in cases of persistent illness.[4]

§ 305. Obligation of captains of Russian ships to take on board prisoners of war and shipwrecked sailors.

Captains of Russian ships are only obliged to take on board shipwrecked sailors and prisoners of war, when their number does not exceed one third of the number of the ship's crew, or four sailors for every hundred tons. On arrival at his port of destination, the captain will receive, from the proper authorities, compensation for the maintenance of such men, at the rate of 35 copecks per man

[1] Circular of the Central Board of Commercial Shipping and of the Ports, Section for Commercial Shipping, of 29th December 1903, No. 6977.

[2] *See* "Dismissal and Discharge of Sailors." Part VI. Chap. VI.

[3] Maritime Code of Finland, Art. 78.

[4] *See* "Invalid Sailors." Part VI. Chap. XIII.

per day (unless he engaged them to replace any of his own sailors) for the time that has elapsed from the granting of the passport, or the Consular visa, to the day of their arrival in port. These sailors are obliged to obey the captain and mate of the ship and to work during the voyage without any remuneration. Should a captain refuse to take on board his ship soldiers or sailors sent to him by the Consul, he incurs, if he is a Russian subject, a penalty of 75 copecks per man, for the benefit of the invalid fund; if he is a native of Finland, the penalty is 100 to 300 marks. If, however, the captain has valid reasons for such refusal, the Consul may exempt him from the obligation to receive the men on board.[1]

CHAPTER XVII.—PURCHASE OF VESSELS ABROAD BY RUSSIAN SUBJECTS.

§ 306. Legalisation of bills of sale.

THE bill of sale of a vessel purchased by a Russian subject, or built to his order abroad, must be attested by a local Notary Public, according to the principle *locus regit actum*, except in **France, Germany, Italy** and **Spain.** In these countries, according to conventions signed with Russia, Russian State Consuls are invested with the powers and are entitled to perform the functions of Notaries Public in transactions between their countrymen and local subjects.[2] In other countries, when the bill of sale or builder's certificate is attested by a local Notary Public, such attestation requires the legalisation of the local Russian State Consul.

Finnish subjects are required to produce certificates from the Governor or Magistrate of their district in Finland, authorising them to own vessels or shares in such. The Consul is expressly forbidden to authorise the fictitious sale or purchase of vessels in time of war, when the object of such transactions is to secure the protection of the Russian flag to vessels belonging to the belligerent powers.[3]

§ 307. Title to fly the Russian flag.

The purchaser of a ship abroad is required to give satisfactory proof that he is entitled to fly the Russian flag.

According to Art. 122 of the Trade Regulations only Russian subjects are entitled to fly the Russian merchant flag, the right extending to:—

1. Russian joint stock companies, the board of directors and head offices of which are in Russia;

2. Legally established mercantile houses, provided one of the head managers, with power to sign for the firm, is a Russian subject.

[1] Maritime Code of Finland, Art. 78; Cons. Reg., Art. 84.
[2] *See* "Drawing up, Legalising and Attesting Documents."
[3] Cons. Reg., Art. 58.

3. Persons building or purchasing a vessel with their joint, capital, if the principal shareholder is a Russian subject.[1]

§ 308. Provisional flag-patent.

After completion of the purchase, the buyer is furnished by the Consul with a provisional flag-patent, a model of which is given below. A provisional patent is issued for one year to vessels purchased by Russian subjects or built to their order, at a foreign port in Europe, and for two years to vessels purchased in any other part of the world.

If the purchase takes place in a country where the local authorities require an official survey of the vessel to be made in order to ascertain her soundness and seaworthiness, the Russian Consular Officer must not deliver the provisional flag-patent to the buyer before he has been supplied with a certificate of the vessel's seaworthiness.[2]

§ 309. Model of flag-patent.

Model of Provisional Flag-Patent.

No. .....

Consular Certificate for the Russian .....

..... R. Tons.

In consequence of the construction at the shipbuilding yard of .....

..... (or purchase from .....) .....

..... by or on account

of ..... of the sea-going

vessel named ..... of ..... tons net

register, the Imperial Russian Consulate at ..... has delivered

the present certificate, to which is attached the official seal of the Consulate

and which is valid for one year, dating from .....

to serve instead of the Government patent permitting the ship to sail under the

Russian flag, with the stipulation that, before the expiration of the said period,

the ship ..... shall be reported without fail, as is

declared in the receipt given by the Commander of the vessel .....

..... at the port of ..... to be legally

registered at that port, and to obtain the Government patent entitling the ship

to sail under the Russian flag, and to perform all the formalities required by

law with regard to such registration and to the composition of the crews of

Russian vessels. In the event of the vessel not being reported before the

expiration of the term stated above, at the port of .....

or any other Russian port, where there is a Custom House, for the purpose of

registration at that port, the ship ..... shall forfeit the

right to sail under the Russian flag.

The Commander ..... has given an undertaking

to fulfil these conditions by signing a special receipt before the Imperial Russian

Consulate at .....

Consul :

Seal of the Consulate.

[1] Trade Reg., Arts. 122 and 138.

[2] *Ibid.*, Art. 138.

When delivering a provisional flag-patent, the Consul must require written information from the owner or captain of the vessel as to the port in the Empire at which she is to be registered, and a promise that, immediately upon her arrival at such port, all the formalities prescribed by law as to the registration of the vessel and the enrolment and composition of the crew will be duly observed.[1] This undertaking, a model of which follows, must be sent by him to the Central Board of Mercantile Shipping and Ports.

§ 310. Captain's receipt for provisional flag-patent.

On the .....19..... I, the undersigned .....do give this undertaking to the Imperial Russian Consulate at.....that the sea-going vessel.....built (purchased) at..... of.....tons net register, for which I have received, in place of the Government flag-patent, a certificate which is valid for one year, *i.e.*, until the.....19....., shall be reported at the port of.....before the expiration of that period, for legal registration at that port and to obtain in exchange for the present certificate, the regular Government flag-patent and perform the formalities prescribed by law, with regard to the registration of the vessel and the composition of the crews of Russian ships.

(Signature of the Captain).....

§ 311. Extension of provisional flag-patent.

If, for some reason, the captain is unable to make a Russian port before the expiration of the term specified in the provisional flag-patent, he must inform the nearest Russian Consul of the circumstances, and obtain from him a provisional certificate, the validity of which only lasts until the ship is able to reach a Russian port in which there is a custom house. The particulars of the case must be communicated by the Consul to the Central Board for Commercial Shipping and Ports.[2]

The form of provisional certificate is as follows —

In consequence of a declaration made by Captain..... at the Imperial Consulate for Russia at.....to the effect that, for reasons stated in the said declaration, it is not possible for him to reach.....or another Russian port with the ship....., of which he is master, before the expiration of the certificate granted on the.....to the said ship by the Consulate at.....authorising the use of the Russian flag, the present temporary certificate with the Consular seal affixed is granted by the Russian Consulate at.....to Captain..... for the voyage of the.....to Russia, for the purpose of being there registered according to law, and in conformity with the instructions contained in the Regulations with regard to the granting of patents authorising the use of the Russian flag.

(Date).....

(Signature of the Consul).....

Seal of the Consulate.

[1] Trade Reg., Art., 139; Cons. Reg., Art. 58. [2] Cons. Reg., Art. 141.

§ 312. Flag-patents only issued by State Consuls.

According to Art. 58 of the Consular Regulations, only State Consuls are authorised to grant provisional flag-patents. Elective Consuls must apply in such cases to their State Consul, enclosing:—

(*a.*) Bill of sale or builder's certificate, duly legalised by a local Notary Public, in duplicate;

(*b.*) Certificate of measurement (from the Board of Trade);

(*c.*) Certificate from the authorities in Russia showing that the purchaser is a Russian subject or is entitled to fly the Russian flag.

An Elective Consular Officer is entitled to draw up the crew-list. In so doing he should use the form described in the Article on "Mustering of Sailors."

§ 313. Mortgage of newly-purchased ships.

In order to afford to Russian subjects who purchase ships abroad the advantage of obtaining them on a system of credit, Russian State Consuls are required to legalise deeds of mortgage thereof after they have been executed by local Notaries Public, and to record the mortgage in the ship's papers.

The Consul must, further, report each case of mortgage of a Russian vessel to the Central Board of Commercial Shipping and Ports, for entry in the books at the port of registry of the vessel.[1] When these formalities have been performed the mortgagee requires to take no further steps in the matter.

The following note is required by the Ministry of Foreign Affairs to be made upon the provisional flag-patent of a newly-purchased vessel when the same is mortgaged to a foreign creditor:—

Le Consul Impérial de Russie à ..... s'autorisant de ses instructions, certifie qu'une créance hypotécaire de ..... remboursable le ..... à ..... est constituée par acte du notaire ..... en date de ..... sub ..... sur le navire russe ..... (port d'attache .....) par l'acquéreur du navire ..... au profit du vendeur ..... et que la présente créance aura la priorité sur toute autre créance, qui pourrait être produite.

Le Consul:

Transférable de la présente patente provisoire sur celle qui au port d'attache sera délivrée à titre définitif.

§ 314. Registration of ship in Russia.

On arrival of the vessel at her destination in Russia, the captain must proceed to properly register her. Applications for the registration of vessels are addressed to the local custom house authorities. They must contain the following particulars: name of the vessel, description of her rig (schooner, brig, barque, &c.), dimensions and capacity in Russian lasts and registered tons, and the name of the place where she was built. If the vessel is foreign built, the date of her purchase abroad must be given and the following documents appended:—

1. Certificate showing that the owner or owners are entitled to fly the Russian flag;

[1] Circular of the II. Department of the Ministry of Foreign Affairs of the 10th/22nd May 1899, No. 4109.

2. Builder's certificate or bill of sale;
3. Measure brief (ship's register);
4. Certificate of survey from the Russian authorities.

The forms for flag-patents are supplied by the Central Board of Commercial Shipping and Ports to the custom houses and port officials and by these to the ships.[1] The customs officials certify the date and place of issue of flag-patents and affix their seal recording the same on the deed of ownership of the vessel. The fee is 90 copecks for ordinary paper and six roubles for parchment.[2] The owners are further required to pay 30 copecks per last if the patent is granted for over-sea trade and 15 copecks if for coasting vessels. All these duties are collected by the custom houses or, where such do not exist, by the port authorities.[3]

§ 315. Duties on newly-purchased ships.

With the exception of tug-boats, which pay a duty of 3 roubles 50 copecks per square foot of boiler heating surface, ships constructed or bought abroad and entering Russia under the Russian flag, do not pay any other duties than those already enumerated, provided they are seaworthy and fully equipped. Unfinished ships pay a duty of from 1 rouble 30 copecks, to 1 rouble 50 copecks per pood, as steel work, the duty varying according to the state of finish.

Russian subjects buying whalers, or ships intended for other industries in the waters of the Murman coast, do not require to put into a Russian port for the purpose of having the vessel registered and of making application for the flag-patent. The registration of such vessels at Russian ports and the issue of flag-patents is effected by the custom house, at the request of the owner of the vessel, on his forwarding copies, attested by a Consul, of the documents enumerated above and of the provisional patent granting the right to hoist the Russian flag, or on the certification by a Russian Consul that there are no obstacles to the granting of a patent to the applicant. The fees, viz., 30 copecks per last, for ships engaged in over-sea trade, and 15 copecks for coasting vessels, must accompany the application.[4] The capacity of the vessel is determined on the basis of the measure-brief, which must be attested by the Consul, if it is granted by the authorities of one of the States with which Russia has entered into an agreement respecting the mutual acceptance of measure-briefs. Patents issued to vessels of this description by the custom houses must expressly state that such vessels are permitted to sail in the waters of the Murman coast.[5]

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[1] Trade Reg., Art. 130
[2] *Ibid.*, Art. 131.
[3] *Ibid.*, Art. 132.
[4] *Ibid.*, Arts. 142-148.
[5] *Ibid.*, Art. 126.

CHAPTER XVIII.—Sale of Russian Ships Abroad.

§ 316. **Sale of Russian ships abroad.**

Every Russian subject, whether in Russia or abroad, is at liberty to sell a ship which is his own property.[1] In all cases, however, of such sales abroad, the authorisation and co-operation of the State Consul, in whose district the sale takes place, is necessary.[2] Such authorisation can only be given if the captain is able to produce a power of attorney, or some similar properly authenticated document, empowering him to sell the ship, and if the Consul has satisfied himself that the price stipulated for the ship corresponds with her actual value.[3]

If it be recognised that the ship is not in a condition to continue her voyage, and in that case only, the Consul may, after having agreed with the owner's agent or correspondent, or, in their absence, on his own authority, give his consent to the sale, without requiring the production of a power of attorney. It must, however, be shown beyond doubt that the ship is no longer seaworthy.[4]

Should the buyer not be a Russian subject, the Consul, before consenting to the sale, must require all the papers establishing the nationality of the ship to be given up to him and, particularly, the deed of ownership, the flag-patent and the customs passport of the ship, with which the captain will have been provided on his departure from Russia. If, for lawful reasons, the captain is unable to produce any one or more of these documents, he must state such reasons in writing.

In ports where there is no Russian Consul, the vessels may be sold with the co-operation of the local authorities, Notaries Public, or brokers, in accordance with local usage.[5] The State Consul of the district must then request the local authorities to direct the Notaries Public, brokers, and other persons concerned to interfere in such transactions, if the captain has not proved his right to sell the vessel, and, if the purchaser is not a Russian subject, has failed to deliver the documents establishing the vessel's nationality to the Consul.

The above regulations only apply to Finnish ships to the extent that the State Consular Officer of the district is required to satisfy himself that the vendor has the right to sell.

§ 317. **Repatriation of the crews of Russian ships sold abroad.**

Whether the sale takes place in the town where the Consul has his residence, or at some other place in his Consular district, he is required to arrange for the return of the crew to Russia.[6]

The captain of a vessel that is sold abroad by a Russian subject must send all the members of the crew who signed articles in Russia to the port or town where they joined the ship, the owner paying

[1] Trade Reg., Art. 149.
[2] *Ibid.*, Art. 152.
[3] Cons. Reg., Art. 57.
[4] Cons. Reg., Art. 57.
[5] Trade Reg., Art. 153.
[6] *See* "Discharge and Dismissal of Sailors," Part VI. Chap. VI.

all travelling expenses and full wages up to the time when it is assumed they will reach their destination,[1] or the Russian port from which the vessel last sailed.[2] If any of the crew should obtain employment on board of other Russian ships, which the Consul must do his best to bring about if possible, the late owner of the vessel is relieved of the obligation to defray their travelling expenses back to Russia.[3]

Finnish seamen must, in all such cases, be sent home at the expense of the late owner of the vessel, unless employment can be found for them on board some other Finnish or Russian ship bound for one of the ports of the Baltic Provinces or the Grand Duchy of Finland.

The Consul must report to the Central Board for Commercial Shipping and Ports every sale of a Russian ship in his district, and the steps he has taken in the interests of the late owner and the crew. He must forward to the Board the power of attorney by virtue of which the sale was effected, and all the documents proving the nationality of the ship sold.

§ 318. Finland.

The documents of a **Finnish** ship sold abroad must be sent to the Governor-General of Finland.

In the event of any of these documents being deficient or incomplete, the Consul must send in to the Board (or to the Governor-General) the original declaration signed by the captain, referred to above. He must also report every infringement of the laws or regulations applying in such cases, that may come to his knowledge, such as that a Russian ship is sold without his authority or co-operation, or, if the sale is effected at a place where there is no Consul, that the ship's papers have not been given up as required.

In either of the cases instanced, the offender is liable to a penalty of one per cent of the amount for which the vessel is sold, in addition to the Consular fees. Finnish captains in such cases are subject to the penal laws of Finland.

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[1] Trade Reg., Art. 292.

§ 319. Case of the "Lilija."

[2] *Ibid.*, Art. 295, § 2. There is an obvious contradiction between Art. 292 of the Trades Reg., according to which Russian seamen are entitled to receive wages up to the assumed time of their arrival at the port where they signed articles, and Art. 295, § 2, according to which, they receive their wages up to the probable time of their arrival at the port in Russia from which the vessel last sailed. In 1902, the Russian merchant vessel "**Lilija**" was sold at Newcastle-on-Tyne. The crew had signed on at Vladivostock (Siberia). She had sailed for England from Odessa. According to Art. 292, the crew were entitled to receive wages and travelling expenses to Vladivostock, while, according to Art. 295, they were only entitled to wages and expenses as far as Odessa. The difference in the amounts of money to be paid according to the two articles was enormous. It is important to note that the latest edition of the Consular Regulations (1903) contains, in Art. 57, the express provision that Russian seamen belonging to the crews of Russian ships that are sold abroad, must be sent to Russia in accordance with Art. 295 of the Trades Reg. It is clear, therefore, that in estimating the amount of wages and travelling expenses in such cases, it is the port in Russia from which the ship sailed last that must be taken into consideration. This was done in the case referred to of the "**Lilija.**"

[3] Trade Reg., Art. 292.

§ 320. Sale of Russian vessels abroad to Russian subjects.

If a Russian vessel is sold to a Russian subject, the deed of ownership must be transferred to the buyer after the seller has made a statement upon it as to when, to whom, by whom, and for what amount of money the vessel is sold. This statement must be legalised by the State Consul of the district.[1] All other papers belonging to the ship, viz., the flag-patent, the crew-list (muster roll) and the Russian customs passport must likewise be handed over to the buyer.[2]

§ 321. Finland.

The Maritime Code of **Finland** contains the following regulations:—

The sale of a share in a Finnish vessel to a foreigner is prohibited. If a share is sold to a native of Finland, the other owners are entitled, either individually or collectively, to repurchase such share within three days after it is placed on the market or after they receive notice of the sale; the seller may then be obliged to state, upon oath, the conditions on which he sold the share. This right of repurchase does not exist in the case of a sale by public auction.[3] The captain of a Finnish ship, is forbidden to sell the vessel without the express authorisation of the owners, or without the declaration of a competent authority, on examination of the vessel, that she is not seaworthy.

CHAPTER XIX.—BOTTOMRY.

§ 322. Bottomry.

BOTTOMRY means the mortgage of a ship, her freight, and, if stipulated in the bond, her cargo or a part thereof.[5] From this definition it appears that it does not matter whether such a money loan is specially described in the bond as a bottomry loan or not. Every money loan on the security of a Russian ship, her freight, her cargo, or a part of it, must be considered as bottomry, and is subject to the following special regulations:—

A mortgage of the whole or part of the cargo (Respondentia) may only be effected by the captain of a Russian ship if he is not able to obtain the necessary funds by a mortgage of the ship.[6] The captain of a Russian ship is only entitled to contract a bottomry loan if compelled to do so by urgent necessity, and in the following cases: (1) If at any time it happens that the vessel, while abroad, is absolutely without provisions; (2) If the ship sustains damage or is deficient in tackle; (3) If the captain has not money sufficient to pay for the carrying out of necessary repairs, and has not letters of credit, or is unable to raise money on them.[7]

[1] Trade Reg., Art. 150.
[2] Trade Reg., Art. 151.
[3] Maritime Code of Fin'and, Art. 9.
[4] *Ibid.*, Art. 49.
[5] Trade Reg., Art. 429.
[6] *Ibid.*, Art. 430.
[7] *Ibid.*, Art. 431.

If the captain is not provided with authority from the owner of the ship to contract a bottomry loan, he must apply to the Russian State or Elective Consul of the district in which his ship is then lying, requesting his authority to do so, and mentioning that he is acting in conformity with the regulations as above. The Consul must immediately appoint surveyors to examine the provisions or to ascertain the extent of the damage and the necessity for repairs, and to estimate the cost of such repairs. The captain will then, if the necessity is proved, be permitted to borrow, on a bottomry bond, a sum not exceeding that fixed by the surveyors.[1] The obligation on the part of the captain to apply to the Consular Officer for permission to effect a bottomry loan, only exists in ports where Russian Consular Officers reside. In other places there is no such obligation.[2]

In Consular practice, the manner in which a bottomry loan is effected is as follows:—

The captain, accompanied by his agent or broker, presents himself at the Consulate for a preliminary consultation. The duty of the Consular Officer is then to ascertain the necessity for the loan and the circumstances which have led the captain to fix the amount of the loan at a certain sum; to find out whether the owners are aware of the captain's intention or not, and whether he has been empowered by them to contract the loan, either by a formal power of attorney or otherwise, or whether he has the consent of their local agents. These preliminaries settled, the day and hour are fixed for negotiating the loan, an advertisement is inserted in the local papers, and the agent or broker is instructed to give notice, on 'Change, to persons who engage in such transactions. On the day appointed, the persons interested assemble at the Consulate, and it is the duty of the Consul to negotiate the loan on the most satisfactory terms for the captain and owners. After settling the question of the seaworthiness, &c., of the vessel, the nature of the voyage, the method and date of repayment of the loan, &c., the Consul's chief concern is, firstly, to fix the rate of exchange at which the sum advanced on the mortgage is to be repaid, if the currency at the place of destination of the vessel is different, and secondly to stipulate for as low a premium or rate of interest for the loan as possible. The efforts of the Consul in the owner's interests are most important, as the captain, through ignorance of the language and inexperience of such transactions, and from the difficulties of his position, is often very helpless in carrying out the negotiations.

A satisfactory understanding having been arrived at, a deed of agreement is drawn up by the Elective or State Consular Officer in the Consular book, in the presence of the captain, his broker or agent, and the lender. This deed of agreement should state the

[1] Cons. Reg., Art. 68.

[2] Opinion of the Commission appointed in 1903 for the Revision of Laws relating to Shipping.

causes and circumstances of the loan, and all the conditions agreed upon, *i.e.*, an exact declaration of the route to be followed by the ship, a statement of the changes, if any, in the crew, made by the desire of the lender, the quantity of provisions necessary (for what period of time), the rate of exchange at which the loan is made, the amount of interest on the loan, the character of the mortgage (whether ship, freight and/or cargo) and the place and date of repayment. The term decided upon for repayment is usually a short one, generally 24 hours after the vessel's arrival at her destination, and payment is made either to the lender or to his order. The deed of agreement is signed in the Consular book by the captain or by his agent or broker, and by the lender and the Consular officer, and a certified copy of it is handed to the captain. The captain's agent then fills in a printed bottomry bond in English, French or German, according to circumstances, the terms of which must be strictly in accordance with those of the agreement. The bond, in duplicate, is signed by the captain, and his signature certified by a local Notary Public in accordance with the rule *locus regit actum*. The Notary's signature must be legalised by the State Consul of the district, who certifies that the deed is executed in accordance with the laws of the land. Elective Consular Officers must forward the bond to the State Consul to whom they are subordinate. In **France, Germany, Italy** and **Spain** Russian State Consuls certify the bond directly, without the participation of a local Notary Public, as Art. 9 of the Consular conventions concluded by Russia with these States, gives Russian Consuls the rights of local Notaries Public.

§ 323. France, Germany, Italy, Spain

One copy of the bond is retained by the captain or his agent and the other is handed to the lender on receipt of the amount advanced thereon.

Money advanced on bottomry can be insured by the lender, the usual premium being from 4 to 8 per cent. The bond may also be transferred by the lender to a third person.

According to **Finnish** Maritime Law, in the proceedings as to bottomry the participation of the Consular Officer is not essential.

§ 324. Finland.

The Maritime Code of Finland contains the following provisions:—

If the captain is in need of funds and is unable to raise them in other ways, he is authorised to borrow money and, if necessary, to give a bottomry or respondentia bond on ship or cargo; or again, in cases of extreme urgency, he may procure the necessary sums by selling a portion of the cargo. Goods thus sold must be paid for at the port of destination of the vessel, unless she is lost on the voyage, at the prices current at that port, deducting freight, customs dues and other customary charges on the goods. The captain is not permitted to sell the vessel without a power of attorney from the owners, or unless a competent authority, on inspection, has declared her to be unfit to continue the voyage.[1]

[1] Maritime Code of Finland, Art. 49.

§ 325. Respondentia.

Before contracting a loan on bottomry or respondentia, the captain must communicate with the parties concerned, and prove that, in the circumstances, he is compelled to take up money on mortgage.[1] If the necessity for the loan is certified by a representative of the interested parties, by a Magistrate, Consul, or any other competent authority, or if such certification is afterwards produced by the creditor, the rightful holder of the bond is entitled to benefit under it, *i.e.*, he can claim repayment of the loan to the extent of all mortgaged goods or property that exist and are available for payment, on the arrival of the vessel at her destination. Proof that the amount borrowed was expended for the purposes originally indicated, cannot be demanded.[2]

The bond must mention whether the mortgage involves the ship, freight and/or cargo (bottomry or respondentia), the circumstances which necessitated the loan, the nature of the voyage, and all other necessary stipulations and conditions. The bond may be made out in the name of the lender or to his order. If more than one copy is made of the bond, the number of such copies must be stated in the text. Payment in respect of one such copy, which must be acknowledged by a receipt on the document itself, renders all other copies null and void.[3]

CHAPTER XX.—SHIPWRECK AND DAMAGE TO RUSSIAN SHIPS.

326. Shipwreck, Consular assistance.

THE part which a Russian Consul is expected to take in matters relating to shipwreck, or any other accident or damage to Russian ships or their cargoes, depends on whether any agreement exists on the subject between the Imperial Government and that of the State in whose territory the shipwreck, accident, or damage occurs.

(*A.*) **If no such agreement exists, the Russian Consul must be guided by the Consular Regulations only.**

The Russian Trades Regulations contain no instructions as to Consular duties in connection with wrecks or other accidents to vessels, except in Art. 469, according to which, in cases of damage caused by Russian war vessels to Russian merchant ships and *vice versa*, while, in foreign waters, the preliminary inquiry is held by the local Russian Consul, and the final investigation of the case is referred to a Russian tribunal.

The Russian Consular Regulations require that a Consul should neglect no reasonable means of protecting the interests of the parties concerned in cases of shipwreck, stranding, or other accident

[1] Maritime Code of Finland, Arts. 47, 48, 103. [2] *Ibid.*, Art. 124.
[3] *Ibid.*, Art. 126.

to Russian vessels, whether in port or at sea and resulting either in the total or partial loss or damage of ship or cargo. He is required to take immediate steps, if it is still possible, to save the ship or cargo, without infringing the laws of the country in which he resides or the terms of existing treaties, should such laws or treaties reserve the right of interference to the local authorities. It is his duty also to request the assistance and co-operation of such authorities whenever it is necessary. The Consul must attend to the salvage of the ship and cargo and to the rescue of the crew when possible. He must take steps to have any portion of the cargo that is saved from a wreck securely stored, and must endeavour to save the owners of such cargo any undue or exorbitant charges for salvage.

In all such cases, and in the adjustment of claims or disputes arising out of them, the Consul acts as the official representative of the Imperial Russian Government, and in no other capacity; he is, therefore, expressly forbidden to accept any other power or authorisation.

Elective Consular Officers are required to report to the State Consular Officer of their district, and the State Consular Officers to the Central Board of Commercial Shipping and Ports, all cases of Shipwreck, stranding, or any other accident to Russian ships occurring in their district, and to mention what measures have been adopted by them. Cases relating to Finnish ships are reported by State Consuls to the Governor-General of Finland.

§ 327. Shipwreck, Finnish ships. (See § 346.)

The Consular Regulations distinguish between those cases in which the owners or charterers of the vessel or cargo have agents or representatives on the spot to watch the interests involved, and those in which there are no such agents.

§ 328. Average assistance of the Consul to ship's agent. (See § 334.)

1. In the former case, the Consul avoids all direct participation in the proceedings in average and the settlement of claims, and confines his offices to giving the agents all the assistance and advice in his power. At the same time the interests of Russian mercantile shipping require him to make a prompt and thorough investigation of all the circumstances connected with the accident. The action of the Consul in an inquiry of this nature is essentially of an administrative character and has nothing in common with either a suit at law or a sea protest.

§ 329. Damage to ship, Consular "Protocol."

After taking the depositions of the captain and the crew, the Consul must draw up a "protocol," stating all the circumstances of the accident, specifying the nature of the loss or damage and giving any other details which may be essential. He must assure himself of the actual existence of damage and of the correctness of the depositions made before him. The "protocol" must be signed by the captain and the crew, or at least by the chief members thereof, and countersigned by the Consul.[1]

[1] Cons. Reg., Arts. 61 and 62.

§ 330. Jettison.

If, in order to save the ship and the remainder of the cargo, the captain is compelled to jettison a portion of the cargo, he must draw up an exact report of all the circumstances, which must be signed by himself and the chief members of the crew, and produced, if in foreign waters, to the nearest Consular Officer. He must make an exact list of the goods jettisoned, showing their quantity, description and value, and must state whether all the instructions contained in Arts. 447 and 448 of the Russian Trades Regulations have been observed.

These articles are as follows:—

If, in order to avoid danger or to save the ship or the cargo from shipwreck or destruction, it be necessary to cut away the anchor, ropes, masts or rigging, the captain must, if possible, strike the first blow with the axe. If this is not possible, he must instruct the first and second mate and two or three of the ship's crew to do so. Likewise, if part of the cargo has to be jettisoned in order to lighten the ship, a representative of the owner of the cargo, if present on board, must, if possible, be the first to jettison.

§ 331. Jettison of Government property.

Should he decline to do so, and the captain consider the step necessary, he must give orders to two or three of the ship's crew to throw the cargo overboard. In this case it is necessary, as far as conditions permit, to jettison those goods which are of less worth and to preserve the more valuable. If a Russian merchant ship has on board ordnance or ammunition, or commissariat, or other army or navy stores belonging to the Russian Government, they must not be jettisoned, unless, by sacrificing part, the remainder can be saved; and this must be done with care, the captain being held responsible for such cargo.

§ 332. Jettison: captain's report.

If, for some reason, the captain has not been able to comply with the instructions contained in the Articles, he must state the reasons in his report. This report, together with a list of the goods that have been saved, is annexed to the Consul's "protocol," and a certified copy of the latter is sent by the Consul to the Central Board for Commercial Shipping and Ports. A second copy of the protocol and one of the inventory of the goods saved, together with a copy of the captain's report, must be sent to the owners of the cargo, either directly through their correspondent or, if there is no such correspondent, through the Central Board for Commercial Shipping and Ports.

§ 333. Jettison from Finnish ships.

Finnish ships are also subject to the rules enumerated above. The Finnish Sea Regulations (Art. 46) provide that: "In the event of an accident in a foreign country, the captain must make a declaration and report in accordance with the laws of that country." This regulation only relates to the procedure in average. As regards the report of the captain and the Consular "protocol," above described (Art. 62 of the Russian Consular Regulations) Finnish captains are under the same obligation as Russian captains, it being obvious that the Consul must exercise control over all ships sailing under the Russian flag, and

the drawing up of the protocol as above is essential to such proper control.

The reports of Elective Consular Officers must be sent to their State Consul.

The captain not having the right to incur any expenses for repairs to the ship without the knowledge and consent of the agents or correspondents of the owners, all accounts for repairs must be signed both by the captain and by the correspondent or agent.[1] The Consul only attests their signatures.

§ 334. Average, Consul's assistance in absence of agent of ship. (See § 328.)

2. In the second case, viz., if the charterers, or the owners of the ship, have no correspondent or agent on the spot, or if such correspondent or agent decline to interfere, the Consul, acting in his stead, is solely responsible for any steps he takes and for any errors or omissions which may be rightly imputed to him. He is strongly recommended, therefore, to secure the co-operation of the underwriters of the ship and cargo, who should proceed with the salvage operations under the Consul's direction, unless the laws of the country, as mentioned above, provide otherwise.

If it be impossible to obtain the co-operation of the underwriters, the Consul must himself take steps for the salvage of the ship and cargo. He must also take the necessary proceedings in average, *i.e.*, note and extend protest, order survey, estimate the amount of damage and the repairs necessary, make a valuation of the goods that have been saved and adjust the average.

§ 335. Average, Sea-protest.

(*a.*) The sea-protest must contain all particulars of the damage, and must be in accordance with Arts. 460 and 461 of the Russian Trade Regulations, which are as follows :—

"If a ship arrive at a port after having encountered storms or strong winds and the captain, in spite of every possible precaution for the safety of the cargo, has reason to suspect that it is damaged, he must, without opening the ship's hatches, note a protest to such effect before a Notary Public within 24 hours after reaching port, and give an explanation in the notice handed into the customs according to the customs regulations. Further, within seven days from the day of arrival at the port, he is bound to extend the protest, *i.e.*, to make a statement on oath before a Notary Public and in the presence of two sworn witnesses. The mate, carpenter, and two or more of the ship's crew must give evidence that the loss was not due to their carelessness or inefficiency. The same rules must be complied with by the captain when the ship, through stress of weather, has lost her masts; or when, in order to avoid danger, or to save the ship or cargo, a mast has been cut away; or when part of the cargo or other articles have been jettisoned to lighten the vessel. The mate, carpenter, and two or more of the ship's crew must also give evidence that the mast was cut down or part of the cargo thrown overboard as an absolute necessity, or in order to save the ship or the remaining cargo."

[1] Trades Reg., Art. 218.

§ 336. Average, examination and estimate of damages

(*b.*) The Consul must arrange to have the damage examined and the repairs estimated by surveyors or, in the absence of such, by other reliable persons; but always in his presence or in that of a deputy from the Consulate. After completion of the survey and estimate, the surveyors, or the persons appointed in their place, must make their declaration on oath and before a Notary and witnesses, or before the Consul himself. The survey and estimate of goods saved must be made in the same way, observing the same formalities.

§ 337. Average adjustment.

(*c.*) The Consul must assist in adjusting the average. In doing so, Consuls will benefit by consulting the York-Antwerp rules, Liverpool edition, 1890, which will be found in every Manual of Shipping Law.

The Consul must draw up (in book No. 6B) a detailed "protocol" as to the survey of the damage, the estimate of repairs and the average adjustment. If, from the nature of the case, disputes are likely to arise between the owners of the ship or the cargo and the underwriters, the above regulations and formalities are especially necessary in order to supply the competent tribunals with exact and reliable data on which to base their judgment. The Consul must endeavour to obtain from the local authorities an equitable reduction of the customs' duties, or even an entire exemption from them on goods which have been damaged by sea-water, or which circumstances oblige him to sell immediately. He must certify the correctness of all accounts for repairs, and is responsible to those concerned for all expenses incurred. State Consuls must report all particulars as above to the Central Board for Commercial Shipping and Ports, forwarding legalised copies of the sea-protest and of the "protocol" drawn up in book No. 6B. Elective Consular Officers report to their State Consul.

§ 338. Average of Finnish vessels.

In cases of shipwreck or damage to **Finnish** vessels, the procedure in average is undertaken by the local authorities as already mentioned. The Consul must send a legalised copy of the "protocol" to the Governor-General of Finland.

When an accident occurs at a distance from the residence of the Consul, he must satisfy himself that the captain has acted in conformity with the general regulations—that is to say, that he has made a declaration at the nearest port, either before a Notary Public or some other authority, upon oath, giving all particulars of the accident, the damage done, and the quantity of cargo jettisoned, if any.

§ 339. Shipwreck, Consular assistance to crew.

The Consul must take charge of the crew of a shipwrecked vessel. He is authorised to supply their immediate wants, to provide them with clothes, boots, &c., and with money for their maintenance and for their conveyance by the cheapest route, either overland or by sea, to the nearest Russian Consulate on the way to Russia, if war or any other circumstance prevents their being sent to that

§, 337, 339.

country by a direct sea-route. Members of the crews of shipwrecked Russian vessels, if they are sent home as passengers, either overland or by sea, must be provided by the State Consul who sends them with passports to enable them to enter the country; but if it is possible to enrol them in the crew-lists of homeward-bound Russian vessels, passports are not necessary.

Elective Consular Officers report all cases of this nature to their State Consul, forwarding accounts and vouchers for all expenses incurred, *e.g.*, for board and lodging, for articles of clothing, money advanced, &c., and the State Consul reports to the Ministry of Marine if the men belonged to a man-of-war; to the Central Board of Commercial Shipping and Ports if they belonged to a Russian merchant vessel, and to the Governor-General of Finland in the case of the crew of a Finnish ship.

(*B.*) **If an agreement exists on the subject of shipwreck or damage to vessels** between Russia and the State in which the Consul resides, he is bound not only to observe the Consular Regulations mentioned in section (*A*), but also the terms of such agreements. The stipulations of these agreements are more or less detailed. Thus, the Treaty of Commerce and Navigation between Russia and **Austria** of the 2nd/14th September 1860 only contains a short paragraph dealing with the right of intervention on the part of Russian Consular Officers in cases of shipwreck of Russian vessels. This paragraph (Art. 11) is as follows: "If the owner or the captain of the damaged vessel, or an agent of the said owner, is not on the spot, or if, being present, he desire it, Russian Consular Officers are authorised to intervene in affairs of shipwreck of Russian vessels and to render assistance and co-operation to their countrymen."

§ 340. Shipwreck, agreement with Austria.

The Treaty of Commerce and Navigation between Russia and **Greece** of the 12th June 1850, Art. 3, provides that, in cases of shipwreck, the vessels or any part of them, their tackle and anything else belonging to them, the ship's papers and other documents on board, together with the cargo and any property saved from the ship, must be handed to the owners of such property or their attorneys, or to that Consular Agent of their country whose residence is nearest to the place where the shipwreck occurred. If the owner of the property recovered from the wreck is not known, advertisements must be published calling for the owners, and, after a reasonable interval, should the owner not appear, the property will, if it is proved that the shipwrecked vessel was of Russian nationality, be handed over to the Russian Government.

§ 341. Shipwreck, agreement with Greece.

More detailed stipulations are to be found in the treaty of Commerce and Navigation between Russia and **Belgium** of the 28th May/9th June 1858. According to Art. 19 of this treaty: "All operations relating to the salvage of shipwrecked Russian vessels, stranded or abandoned on the Belgian coast, are to be conducted under the superintendence of the Russian Consular Officer of the district, to whom such vessels, or the remains thereof, their tackle and appurtenances, and all cargo salved, or the value realised by its

§ 342. Shipwreck, agreement with Belgium.

sale, and all papers found on board of the vessels, are to be handed over. The local authorities are required to maintain order, to watch the interests of the salvors, if they are not members of the crew of the vessel, and to enforce the regulations relating to the receipt and dispatch of goods recovered from the wrecked or abandoned vessel. In the absence, and previous to the arrival, of the Consular Officer, the local authorities must take the requisite measures to protect the persons and property recovered from the wreck, the Consul, owner, or agents of the vessel being required to pay only such expenses of safeguarding, salvage, and quarantine as would be paid by a Belgian vessel in similar circumstances. The goods saved from the wreck are not liable to State or communal taxation or duties until they are admitted into the country for use or sale.

§ 343. Shipwreck: agreement with Great Britain.

The treaty with **Great Britain** of the 31st December/12th January 1858/9, Art. 16, contains the same stipulation, with the addition, that the Consular Officer is bound to make his claim for the ship and all belonging to her within the limit of time prescribed by law. The goods saved, if placed on the local market, are charged the same customs duties as if they had been imported by British vessels.

§ 344. Shipwreck: agreement with Italy and Peru.

The treaties with **Italy** of the 16th/28th September 1863, Art. 18, and with **Peru** of the 4th/16th March 1874, Art. 14, contain similar stipulations.

§ 345. Shipwreck: agreements with France, Germany, Italy and Spain.

More explicit instructions regarding shipwrecks and damage to vessels are to be found in the Consular agreements concluded by Russia with **France**, 20th March/1st April 1874; **Germany**, 26th November/8th December, 1874; **Italy**, 16th/28th April, 1875; **Spain**, 11th/23rd February, 1876.[1]

In accordance with these agreements, and in the absence of a representative of the charterer or owner of the ship, the Russian Consul must undertake the procedure in average in the following cases:—

1. If all the persons interested are Russian subjects; in which case the application of Russian law cannot be objected to by them.

2. If a special agreement has been come to by all the persons interested empowering the Consul to undertake the procedure in average. In practice this is only possible when the average is unimportant, and when it is, above all, desirable to minimise expense.

Both the above cases are rather exceptional. As a general rule the interests of several nationalities are involved in a merchant ship. Thus, Russian ships and cargoes are for the most part

[1] Identical stipulations are to be found in the Consular Agreements concluded between **Italy** and **Portugal** (Art. 15), **Germany** and **Spain** (Art. 17), **Italy** and the **Netherlands** (Art. 15), **Italy** and **Belgium** (Art. 13), **Italy** and the **United States of North America** (Art. 14), the **United States of North America** and the **Netherlands** (Art. 13), the **United States of North America** and **Belgium** (Art. 13), **Italy** and **Roumania** (Art. 29), **Belgium** and **Spain** (Art. 13), **Germany** and **Greece** (Art. 13).

insured in Hamburg, Copenhagen, and London, where the conditions and formalities are simpler and less costly than in Russia. Most of the Russian export trade is in the hands of foreigners. The interests, therefore, of foreign insurers, consignees, shipbrokers, agents, and, finally, of all persons who have taken part in salving the ship and cargo, are involved in nearly every case of average of a Russian ship. The procedure in average is, consequently, in the majority of cases, undertaken by the local authorities, the action of the Consul being confined to instituting the inquiries mentioned above and to drawing up a report on the subject for the Russian Government.

The rules contained in the above agreements as to the procedure in average meet the conditions of international trade. It is clear that, in cases of average, the Consul can have no legal power over foreigners. Consuls are recommended, therefore, to call the attention of interested parties to the fact that, as a document concerning average drawn up in the Consulate may possibly be of no value outside the Russian Empire, it is, generally speaking, advisable that the protest be drawn up before a competent local authority.

Foreigners living in Russia are, in questions of collision or average of ships, under the jurisdiction of the local commercial or district courts, whether as regards disputes among themselves, or with Russian subjects, in accordance with Art. 224 of the Russian Civil procedure.

§ 346. Shipwreck, Finnish ships. (See § 327.)

The **Finnish** Maritime Code contains the following further regulations as to shipwrecks:—

Before commencing the repairs of a ship after a shipwreck or accident, or before making any important disbursements on account of any unforeseen requirement, the captain must have the vessel surveyed or take other measures to establish the nature and extent of the damage. He must then demand vouchers for the sums expended, and the account must be verified by the Consul, or in some other manner which furnishes the required evidence. The captain may also be required to testify to the accuracy of the accounts upon oath.[1]

If the members of the crew of a Finnish ship abandon her in the open sea without sufficient reason, or are negligent in the work of salvage after an accident, they forfeit their right either to the whole or to a portion of their wages, according to circumstances.[2]

No freight is payable on cargo stolen by pirates or entirely destroyed by any other means, *i.e.*, by shipwreck, fire on board ship, or other accident. If the freight has been paid in advance, it must be refunded.

Freight must be paid in full on merchandise that has been saved from a wreck or freed from an embargo, if such merchandise

[1] Maritime Code of Finland, Art. 48. [2] *Ibid.*, Art. 74.

is conveyed to, and delivered at, the port of destination. On the other hand, no freight is payable if the vessel and the cargo are abandoned by the captain and crew in the open sea and the salvage is effected by strangers.[1]

CHAPTER XXI.—PRIORITY OF CLAIMS AGAINST FINNISH SHIPS.

§ 347. Priority of claims against Finnish ships.

THE following claims against vessels have priority in the order in which they are given :—

1. Salvage claims, while the vessel remains at the place where such claims are payable.

2. Pilotage, port-charges, fire dues and other local charges, if claimed while the vessel is still in port.

3. Wages and emoluments of the captain and crew, dating from their last engagement.

4. The ship's contribution in average; the price of goods sold by the captain to supply the urgent needs of the vessel; bottomry loans, with interest and premiums, and all loans in specie or in merchandise contracted by the captain for the immediate needs of the vessel or crew during the voyage. The claims here indicated have equal rights, if they are contracted in the same port, or on the occasion of the same accident; should such not be the case, the more recently contracted liabilities have priority over the earlier ones, and those contracted during the last voyage over those contracted previously.

5. Compensation or discount due to charterers for errors in tallying the cargo during loading or discharging of same; or for injury to the goods through the negligence or fault of the captain or crew; or for damages to another vessel by collision, provided always that the liabilities under this head were incurred on the last voyage.

6. Amounts due for revictualling or refurnishing the vessel, if such debts were contracted in cases of emergency and the vessel has not yet left the port where the loan was effected.

7. Amounts due from owners for repairs, reconstruction or any necessary alterations in the ship, if such debts have priority by a special agreement, the priority being restricted to a time limit of six months.

8. Advances, with interest, made by owners to one of their own number who has not yet paid up his share for the construction, repair, or equipment of the vessel. These advances must be claimed within six months after they are effected.[2]

[1] Maritime Code of Finland, Art. 108. [2] *Ibid.*, Art. 12.

PART VII.

Duties connected with the Imperial Russian Navy.

CHAPTER I.—Arrival of Warships.

§ 348. Arrival of Warships.

Immediately on arrival in port of a Russian ship of war, the Consul must send his agent to the commander to point out to him a safe anchorage. This agent must also inform the commander whether any epidemic or infectious diseases exist in the place, whether any local malady rages, and whether, in general, it is necessary to take any particular measures of precaution for the health of the crew. He must further acquaint him with the quarantine regulations, where such exist, and the particular police regulations and local customs which are necessary to be observed.[1]

On the occasion of their first visit on board, which must be made in uniform, the Consuls-General receive a salute of nine guns, and the Consuls a salute of seven guns. No mark of honour is paid them in a port where there is a representative of His Majesty the Emperor. Vice-Consuls and other commercial agents of an inferior rank are not entitled to a salute.[2]

The official visits between the Consuls and commanders of ships of war must be made in the following order:

1. Consuls-General, Consuls, and other Consular Agents must pay the first visit to the commanders of a squadron or small squadron flying the commander's pendant, immediately on their arrival in port, if not prevented by the weather.

2. The commander of a ship on his arrival in the port pays the first visit to the Consul-General.

3. Consuls and Vice-Consuls must pay the first visit to a commander of a ship of war.

4. Official visits are only paid on the first arrival of the ship of war in the port or a place where a Consul resides.

5. These visits must be paid within 24 hours, if the weather or other serious hindrances do not interfere.[3]

The Consul will transfer to the commander of a man-of-war the police control over all the Russian merchant ships in the port. In case of disobedience on the part of the crew, or any disturbance which may take place on board a merchant vessel, the Consul must

[1] Cons. Reg., Art. 25. [2] Cons. Reg., Art. 27. [3] Cons. Reg., Art. 28.

ask the assistance of the commander of the ship of war to reduce the crew to obedience and to re-establish order.[1]

As the naval authorities require to be constantly posted as to the whereabouts of Russian ships of war when on long voyages in foreign waters, Consular Officers at seaports are required to report to the Department of Inspection of the Ministry of Marine, the arrival and departure at such seaports of all Russian warships and any occurrences of importance that take place on board of such vessels while they are abroad.[2] Elective Consular Officers report to their State Consul.

CHAPTER II.—PILOTAGE AND FRESH WATER.

§ 349. Pilotage of Warships.

As soon as the Consular Officer has been apprised of the expected arrival of a ship of war in a port, the entrance to which requires the assistance of a pilot, he must take the necessary steps to send someone to meet the ship as soon as sighted. In all cases the Consul will pay for the services rendered by pilots, and such payments must be made on production of certificates given by the commanders of ships of war. State Consuls will apply to the Ministry of Marine for the reimbursement of these outlays,[3] Elective Consular Officers to the State Consuls to whom they are subordinate.

The amount of remuneration paid to pilots for their services is determined by the local scale of charges, the amount varying in some ports according to the spot where the pilot is taken on board. As, however, the scales of charges referred to are frequently not known to captains, or may not be understood by them, it is desirable, when the pilot's account is presented at the Consulate, that it be checked by the Consul, for which purpose a copy of the local scale of pilotage charges should be kept in the office.

§ 350 Fresh Water.

The Consul must inform the commander of the war vessel as soon as possible where and how he can obtain a supply of fresh water.

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[1] Cons. Reg., Art. 31.

[2] Circular of the Ministry of Foreign Affairs of the 27th November 1857, No. $\frac{117}{12,371}$.

[3] Cons. Reg., Art. 21.

[4] Circular of the II. Department of the Ministry of Foreign Affairs of 29th December 1898, No. 11,741.

CHAPTER III.—Assistance to Officers of the Navy.

§ 351. **Assistance to Commanders of Warships and to Naval Officers.**

Consular Officers are bound to afford assistance and protection to all Officers of the Imperial Russian Navy and to other employees of the Russian Ministry of Marine who are on special missions abroad.[1] Especially they must render, as far as they are able to do so, every assistance to the Officers of the Imperial Russian Navy whenever they are required to do so by the commander of a Russian ship of war. They will particularly endeavour to make themselves useful on all occasions when they can facilitate the relations between the commander and crew and the local authorities, bankers, &c.[2]

The Consul must inform the commander of the marks of honour to be paid the forts, ships of war, and the local authorities, in conformity with the regulations and customs of the port, and as paid by the ships of other nations.[3]

The Consul must give the commander a list of the local authorities to whom in his opinion the commander should pay his visit, and must accompany him on all such visits.[4]

The Consul must do his best to establish and maintain a good understanding between the commanders of ships and the local authorities, he must try at the same time to prevent and to settle all disagreements with the inhabitants.[5]

CHAPTER IV.—Purchases and Accounts of Warships.

§ 352. **Accounts and Purchases for Warships.**

The Consul must assist the commander in his purchases, in engaging workmen, and in obtaining everything necessary for repairing the ships and transports.

When a Russian ship of war puts into a port where a Consul resides, for repair or provisions, necessary articles or money, the commander must send the Consul a detailed list of everything he requires, and the latter must provide the same on the most favourable terms.

In case any of the materials or articles required should not be procurable in the port, the Consul must obtain the assistance of the local authority, if desired to do so by the commander.[6]

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[1] Circular of the II. Department of the Ministry of Foreign Affairs of 13th February 1861, No. $\frac{1061}{143}$.

[2] Cons. Reg., Art. 20. [3] Cons. Reg., Art. 26. [4] Cons. Reg., Art. 29.

[5] Cons. Reg., Art. 30. [6] Cons. Reg., Art. 22.

In delivering the articles ordered to the commander of the ship, against a receipt, the Consul must send him an account showing the price of the articles supplied, or the money he may have advanced. He must sign this account himself, declaring at the same time whether the amount has been repaid to him or not. Payments which the Consul has made on account of the Ministry of Marine in settling the accounts of commanders of ships of war, must be certified by the signature of the commander and countersigned by the paymaster.

In cases of extreme necessity the Consul will, if requested by the commander, provide him with money and receive in exchange drafts on the Ministry of Marine.[1]

State Consular Officers are not entitled to any commission whatever on supplies which they may have made to ships of war. As to Elective Consular Officers their commission is fixed as follows:—

1. If the service rendered by them is a delivery in kind or money they receive 2 per cent. of the total sum expended.

2. If it is only a matter of attention and management, without disbursements or the purchasing of articles of whatsoever value, Consuls, Vice-Consuls, and Consular Agents receive on making their report, 50 roubles for each ship of war which has stayed more than five days in the port. But this indemnification is only granted them when the amount of 2 per cent. due to them for services rendered in kind or in money does not reach 50 roubles silver; in this case the commission is not allowed. In the contrary case, the remuneration is limited to 2 per cent.[2]

Accounts of purchases and payments made by commanders of Russian war vessels must only be certified by Russian Consular Officers when the latter can guarantee their authenticity.[3] This is done,—

1. If the payment of the account is made by the Consul himself,

2. If it is made in his presence,

and only refers to the fact that payment has been made in accordance with the account.

An Elective Consular Officer, therefore, certifies in the following terms:—"*Le Consulat de Russie à certifie que le compte ci-dessus a été acquitté.*"

From the above it appears that Consular Officers, when certifying the accounts of Russian men-of-war, are not bound to make sure that the figures of the account correspond with the prices current in the locality.

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[1] Cons. Reg., Art. 23. [2] Cons. Reg., Art. 24.

[3] Circular of the Sec. Department Ministry of Foreign Affairs, 10th May, 1899 No. 4108.

The Imperial decree of the 14th May 1873, contains the following provisions:—

In the event of the transfer, for whatever reason, of a balance of credit from one vessel to another, the commander of the vessel from which the transfer is made must endorse the letter of credit to the required effect, such endorsement being countersigned by the paymaster and sealed with the ship's seal. The signature and counter-signature must then be attested, if possible, by a Russian State or Elective Consular Officer. All drafts must be signed by the commander, countersigned by the paymaster, and sealed with the ship's seal. The signature and counter-signature must, if possible, be attested by a Russian Consular Officer.

If the money is paid over by the Consul upon a letter of credit or against a banker's draft, he must require reimbursement from the banker; but if the draft is on the Ministry of Marine, the Consul must communicate therewith, enclosing particulars of the rate of exchange at the time when the draft was issued, the captain's demand, and the draft itself. Should the draft have been endorsed by the Consul and transferred to someone else, he must send a copy of the draft to the Ministry of Marine.

When drawing money, whether on letters of credit or bills, in currency other than that of such bills or letters of credit, or when exchanging money of one country for that of another, the paymaster must require from the banker or money-changer or, if the transaction takes place through the Consulate, from the Consular Officer, vouchers or accounts showing the actual amount of money received, the currency and the rate of exchange.

If written contracts or agreements are entered into for the supply of stores or provisions to a warship, such contracts or agreements must be effected by the Consul, the particulars being supplied by the commander of the ship, except when, owing to special circumstances, the commander finds it possible to effect such agreement himself and on his own responsibility. The original agreements concluded by or through the Consul must be preserved in the Consular archives, and copies of same supplied to the commander, and *vice versa.*

All goods supplied by the Consul must be paid for against detailed invoices, as soon as the delivery of the goods is completed.[1]

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[1] Maritime Code, Arts. 246, 247, 251, 254, and 255.

CHAPTER V.—INVALIDS ON BOARD OF WARSHIPS.

§ 353. Invalids on board of Warships.

IF it is necessary to land a person from a ship of war on account of illness, the Consul must apply to the local authorities for the immediate admittance of the patient into a hospital, or make some other provision for him. He must visit the patient at least once a week, enquire after his wants, and see whether he is properly cared for. On the recovery of an invalid, the Consul must send him on board the first Russian or foreign vessel leaving for Russia, and place all the expenses incurred to the account of the Ministry of Marine.[1] The Consul must record, on the passports of the persons whom he thus forwards to Russia, the amounts he has paid them. These advances will be reimbursed immediately on his transmitting a detailed report to the Ministry of Marine.[2]

CHAPTER VI.—DISMISSAL OF MEN BELONGING TO WARSHIPS.

§ 354. Dismissal of Men belonging to Warships.

IF the commander of a ship of war finds it necessary to disembark men engaged by him, or to leave them on shore, or to leave behind him any articles not belonging to the ship, the Consul must take charge of the men and assign a suitable store for the articles; but the commander may only have recourse to this measure in extreme cases and for valid reasons, which he must explain to the Consul.[3]

CHAPTER VII.—DEATH OF MEN BELONGING TO WARSHIPS.

§ 355. Death of Men belonging to Warships.

IN the event of the death of a person forming part of the crew of or attached to a Russian ship of war, the Consul must arrange for his burial, if possible—while complying with the customs of the country—in accordance with the rites of the religious persuasion to which the deceased belonged. The Consular Officer must forward to the Ministry of Marine all the necessary documents, and observe the same rules as in the case of death of a seaman belonging to a Russian merchant vessel.[4]

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[1] Cons. Reg., Att. 40. [2] Cons. Reg., Art. 45.
[3] Cons. Reg., Art. 32.
[4] Cons. Reg., Art. 41; *see also* "Deaths of Sailors." Part VI., Chap. XIV.

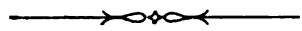
CHAPTER VIII.—Articles Left Behind by Ships of War.

§ 356. Articles left behind by Warships.

If a ship of war, being suddenly obliged to leave the port, be compelled to leave behind anchors, chains, boats or any other articles, stores or provisions, the Consular Officer must arrange for their safe keeping in accordance with instructions or, in the absence of such instructions, according to his own judgment. He must report upon the measures he has seen fit to adopt to the Ministry of Marine.

If, in consequence of instructions given to the Consular Officer, or owing to the perishable nature of the goods, or to the cost of keeping them, it is considered advisable to sell them, such sale can only take place by public auction.

An official account of the sale must be made out and forwarded, with the other documents and the proceeds of the sale, to the Ministry of Marine.[1]

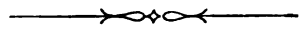


CHAPTER IX.—Protection of Russian Subjects by Warships.

§ 357. Protection of Russian Subjects by Warships.

In any exceptional political situation the Consular Officer may, with a view to the protection of Russian subjects and their property, request the commander of a Russian ship of war to take measures for their safety.

This request must be made in writing. On receipt of it, the commander of the vessel must acquaint the Consular Officer with the purport of any instructions he may have received for such a contingency and report the matter to his immediate chief and to the Ministry of Marine.[2]



CHAPTER X.—Exterritoriality of Warships.

§ 358. Exterritoriality of Warships.

A foreign ship of war, *i.e.*, any vessel belonging to a foreign navy and having on board a military commander and crew, represents the sovereignty, independence, and power of the State to which it belongs; it must, therefore, whether on the high seas or in the territorial waters of another State, be regarded as a floating portion of the territory of the State to which it belongs, *i.e.*, it is exterritorial. A warship on entering a foreign harbour, however, is bound to announce her arrival, to exhibit her flag, declare her class, the

[1] Cons. Reg., Art. 33.

[2] Cons. Reg., Art. 46.

number of her crew, her cargo, the name of the commander, the object of her voyage, and the probable duration of her stay. It is only in cases of bad weather, when the safety of the ship is endangered, that men-of-war are exempt from these obligations in a port of refuge.

This generally accorded privilege of warships has found expression in **Russia** in the Project of the Commission of Redaction of the Penal Code, vol. I., pp. 52 and 88. According to this project, foreign warships enjoy exemption from local jurisdiction, and disputes and crimes committed on board of them are not subject to local laws. It is, however, established by international usage, that if the culprit and the sufferer do not belong to the crew of the warship, the commander may, if he chooses to do so, hand them over to the local authorities for trial. On the other hand, the State in whose waters the offence is committed, is entitled, if the peace or safety of local inhabitants is threatened, to adopt all precautionary measures to prevent such breach of the peace, and may even refuse permission for the ship to enter the port, or if she is already there, may insist on her immediate departure, in accordance with the principles of international relations. Members of the crews of men-of-war committing crimes while they are on shore, are subject to local laws, and the authorities of the place have the option of retaining them in custody, or delivering them to the captain for trial. If the culprits succeed in reaching the ship before they are arrested, their cases can only be dealt with under the extradition laws. The same rules apply in the case of launches or boats carrying persons to or from the ship.

In the case of a fugitive slave seeking refuge on board of a warship, it is important to know whether the captain is obliged to surrender him or not. To solve this question it is necessary to take into consideration the fact that, according to the laws of all civilised nations, every slave is free from the moment he sets foot on their territory, and as warships are regarded as part of the territory of the State to which they belong, a slave becomes free the instant he steps on board. On the other hand, the act of escaping from a condition of slavery is not regarded by civilised nations as a breach of lawful contract. The commander of a warship is therefore justified in refusing to surrender a fugitive slave who has taken refuge on board of his vessel. **Great Britain** has expressed these principles in the Slave Circular of 1876, according to which (§ 1) demands for the surrender of fugitive slaves who have taken refuge on board of British men-of-war cannot be acceded to, and (§ 2) it is impossible to establish general rules which would apply to every case of a fugitive slave seeking refuge on board of a British man-of-war. The question is thus a *questio facti* depending entirely on the discretion of the commander.

When any portion of the crew of a foreign man-of-war is on shore in the exercise of military duties, they are to be regarded as

in organic communication with the warship and therefore as exterritorial. A military landing, however, cannot be effected otherwise than with the knowledge and special consent of the local authorities.

Foreign warships are, moreover, exempt from local customs duties; they cannot be inspected by customs officials, and all access to the ship in the interests of the customs is prohibited.

Similarly, warships are exempt from the jurisdiction of the local police. They must, however, obey the regulations of the port where they may happen to be, as well as local sanitary requirements. Sometimes this principle is embodied in special State Conventions: thus, the State Convention concluded between England and Peru on the 10th April 1850,[1] provides that the admission of warships belonging to the contracting parties to each other's ports and harbours is subject to their observance of all rules and regulations in force at such ports.

It must be understood, moreover, that no State loses its right of legitimate self-defence even in respect of a foreign ship of war which is in its waters. Thus, in 1832, the Court of Cassation at Paris decided, in connection with the affair of the Sardinian warship "**Carlo Alberto,**" which had clandestinely entered the port of Marseilles with several persons on board who, in concert with the Duchess of Berry, intended to carry out a plot against the French Government, "that the privilege established by international law for warships of neutral and allied States was forfeited the moment that such a ship was concerned in an overt act of hostility against the State in whose waters it then was, and that, in the specific case of the '**Carlo Alberto,**' the vessel was to be regarded as belonging to an enemy and to be dealt with as such."

Ships belonging to private persons, and all other ships which do not belong to the Navy and are only employed by a State, without representing the military power of that State, are not invested with the privilege of exterritoriality. However, by special courtesy, certain mail-boats have been accorded the same privilege as ships of war, *e.g.*, in accordance with the mail treaties between **Great Britain** and **France** of the 3rd April 1843, Art. 7 (M.N.R.G., IV., p. 181); between **Great Britain** and **Belgium** of the 19th October 1844, Art. 7; between **Great Britain** and **Belgium** for the line Ostend to Dover of the 17th February 1876, Art. 6; between **France** and **Italy** of the 3rd March 1869, Art. 6; between **Great Britain** and **Denmark** on the 26th June 1846, Art. 3; and in the Shipping Treaty concluded between **Germany** and **Mexico**, and dated the 5th December 1882, Art. 6 (Reichsgesetzblatt, 1883, p. 250).[1]

[1] This matter is treated in greater detail in "L'Exterritorialité" by the author, 2 ed., 1900, St. Petersburg.

CHAPTER XI.—Coaling of Belligerent War Vessels at Neutral Ports.

§ 359. Coaling Belligerent Warships.

In time of war it is important for Consular officers to know how far the ports of neutral powers can be used by belligerent war vessels for coaling and other purposes.

Portugal places no restriction on the use of Portuguese ports by belligerent war vessels for coaling and lying in harbour.

It is the usual practice of **France** to be liberal to belligerents. She only requires that they shall not use her ports as bases of operation or for loading material of war.

Denmark sanctions a 24 hours' stay, allows coaling sufficient to carry the vessel to the nearest port, and stipulates for a three months' interval between visits.

The same rules are observed by the **Netherlands** and by **Italy**, with this difference, that they have no restriction as to the interval between the visits and Italy permits the stay of belligerent vessels and their coaling only in the case of *force majeure*, viz., when they are compelled by stress of weather or by other unforeseen circumstances to run into port.

China permits a 24 hours' stay at one of her ports after complete provisioning and, if necessary, repairing and coaling sufficient to take a vessel to her destination, and restricts the use of Chinese ports to once in three months.

Egypt, by a proclamation of the 2nd March/18th February 1904, has curtailed the stay of belligerent war vessels in her ports to 24 hours and limits supplies of coals and provisions to a sufficiency to take a ship to her nearest national port, or to the nearest neutral one if the latter be nearer than the former, while the same vessel may only use an Egyptian port once in three months.

Great Britain observes the same rules as Egypt as to the limits of supplies of coal and provisions and restricts the frequency of visits by the same vessel to a British or Colonial port to the same limit of once in three months.

It may be remarked, that the stipulation that a vessel shall take sufficient coal to enable her to reach the nearest port of her own nationality, or the nearest neutral one, if it be nearer, is neither very clear nor is it usually observed. In practice, belligerent warships are usually permitted to supply themselves with sufficient coal to enable them to reach the nearest coaling station or even the nearest national port, although the nearest neutral port may be much nearer. Considerations of a political nature may also in particular instances have influence in modifying these somewhat elastic rules.

CHAPTER XII.—CONTRABAND OF WAR.

§ 360. **Contraband of War.**

In the Middle Ages belligerents did not recognise the rights of neutral powers.[1] Such rights were formulated in 1780 by the Russian, Danish, Swedish Armed Neutrality, but the principles laid down were not generally recognised by all civilised nations[2] until the Sea Declaration of Paris of 1856, according to which belligerents are to observe the following points with regard to neutral powers:—

(*a*) The flag covers a cargo for a belligerent, excepting contraband of war.

(*b*) Neutral goods under the enemy's flag, with the exception of contraband of war, are not subject to confiscation.

(*c*) Blockades to be obligatory must be effective—that is, they must be of sufficient force to cut off the approaches to the enemy's territory.

It is for the belligerents to say, when war has broken out, what articles they will treat as contraband. According to the Imperial order signed by the Emperor of **Russia** on the 14th February 1904, the following articles are regarded as contraband of war:—

1. Every kind of small arms and guns, complete or in separate parts, and armour.

2. Parts of firearms and ammunition, fuses and shells, and bullets.

3. Caps, cartridges, cartridge-cases, powder, saltpetre, sulphur, explosives or material for the purposes of explosion, such as mines, dynamite, pyroxilin, various explosive substances, conductors, and everything for exploding mines, and everything appertaining to artillery, engineering, and troop trains, such as gun carriages and limbers, cartridges, ammunition boxes, field smithies, field kitchens, instrument waggons, pontoons, bridge trestles, barbed wire, horse harness for transport service, &c., the material for the equipment and clothing of troops, such as bandoleers, knapsacks, sword belts, cutlasses, entrenching tools, drums, field kettles, saddles, harness, uniforms, tents, &c.

4. Ships bound for an enemy's port, even if sailing under a neutral commercial flag, if their constructions, internal arrangements, or any other indication make it apparent that they are built for warlike purposes, or are for sale, or destined to be handed over to the enemy on reaching their destination.

5. Every kind of ship's machinery or boilers, mounted or in part; every kind of fuel, such as coal, naphtha, spirits, &c.; telegraph and telephone material; everything intended for war on land or sea. Also rice, foodstuffs, horses, beasts of burden, and any

[1] Baron M. Taube: Principles of Peace and Law, Charkow 1899, page 299 (in the Russian language).

[2] Bergbohm, Die bewaffnete Neutralität. Berlin, 1844, page 259.

other animals intended for war purposes if they are sent at the enemy's cost or order.

6. Neutral States are forbidden to transport the enemy's troops, to carry letters and despatches for the enemy, or to place transports or warships at the enemy's disposal. Neutral ships with contraband of war of any sort can, according to circumstances, be not only seized, but also confiscated.

The **British** rule divides contraband goods into two classes. One consists of articles which are only used for the purposes of war, such as arms, and a few others which are peculiarly adapted to such purposes—for instance, guncotton. Goods in this class are absolutely contraband. The other class consists of goods which are equally adapted for the purposes of war or peace, and are called conditional contraband. The British Naval Prize Manual treats them as contraband when their destination is the enemy's naval or military forces or a hostile port of naval or military equipment, but not otherwise.

Coal, as an article of immense importance in naval warfare but also largely used for other purposes, is deemed to be conditional contraband.

The **United States** and **Japan** have also adopted the doctrine of conditional contraband, which, however, though theoretically just, has never found favour with most of the other maritime Powers. They prefer hard and fast rules under which a certain number of articles are always treated as contraband, while all others are entirely exempt from seizure; but they are not agreed as to what should be considered as contraband of war.

As soon as a state of war exists, the cruisers of either belligerent have the right to stop any merchant vessel on the high seas, in order to ascertain her nationality and destination and whether she has any contraband goods on board. Any attempt to evade this right of search renders the ship liable to condemnation by a prize court. When a ship is reasonably suspected to be carrying contraband goods, the captor is entitled to take her to a port of his own country for enquiry, and, if it be established before a prize court that she carries such goods, they are condemned. Generally speaking, according to the prize law of most countries, the ship is not liable to condemnation unless she and the contraband goods belong to the same owner, or unless there has been some fraud or misconduct on the part of the shipowner or his captain in relation to the carriage of the goods. English authorities on Naval Prize law have expressed the opinion that the ship may be condemned whenever its owner is privy to the carriage of the contraband goods.

CHAPTER XIII.—PRIZES AND PRIZE COURTS.

§ 361. **Prizes and Prize Courts.**

THE regulations to be observed by Russian Consular Officers in time of war as to prizes and prize courts have been formulated by Imperial Decree, signed by His Majesty on the 27th March 1895. According to this decree (Art. 6) in time of naval warfare merchant vessels (*i.e.*, all vessels that do not belong to the navy) may be stopped and examined, in order to make certain of their nationality and strict neutrality.

All vessels belonging to the enemy, whether they be ships of war or merchant vessels and all articles found on board of such vessels, with the exceptions enumerated below, are legitimate prizes of war, and therefore liable to confiscation.

The exceptions are :—

(*a.*) Articles intended for the personal use of members of the crew or of passengers ;

(*b.*) Articles constituting the property of neutral states or of the subjects of neutral states, unless they come under the head of contraband of war.

All articles found on board of a vessel captured from an enemy, are regarded as the property of the enemy, unless the opposite can be proved. (Art. 10.)

Merchant vessels belonging to a neutral state are liable to confiscation as prizes of war in the following cases :—

1. When captured in the act of conveying to the enemy, or to one of the enemy's ports :

(*a.*) Fire-arms and all accessories to such, or fulminating or explosive substances, in any quantity whatever ;

(*b.*) Other contraband of war, in quantities exceeding, either in bulk or weight, one half of the entire cargo ;

(*c.*) Reinforcements for the enemy, if, in such cases, it cannot be proved that the declaration of war was not, at the time of capture, known to the master of the vessel.

2. If captured while attempting to run the blockade, unless it can be shown, that the fact of the blockade was not known to the master of the vessel.

3. When armed resistance is offered by a vessel to examination or detention ; and

4. When a vessel has participated in the offensive operations : the enemy. (Art. 11.)

The cargo of a merchant vessel belonging to a neutral State is liable to confiscation in the following cases :—

1. When such cargo comes under the head of contraband of war, and is being conveyed to the enemy or to one of the enemy's ports, unless it can be shown that the fact of the declaration of war was not known at the time to the master of the vessel, and,

2. When such cargo is on board of a vessel that is liable to confiscation on the basis of paragraphs 2–4 of Art. 11 (*supra*), and

it cannot be shown that such cargo is the property of Russian subjects, or that it belongs to neutral persons who were not concerned in the acts which have involved confiscation of the vessel (Art. 12).

If it is only contraband of war that is liable to confiscation, while the vessel is released (*see* preceding paragraphs), the vessel is only liable to detention until the contraband can be taken over. The transfer may, at the option of the captor, be made either at the place of capture, or after bringing the vessel to port (Art. 14).

The right to detain, examine, and arrest vessels belonging to the enemy or vessels and cargoes that are suspected, appertains to the ships of the Imperial Navy. This right is extended to vessels of the merchant fleet in the following exceptional cases only :—

1. When attacked by an enemy's ship or any other suspicious vessel, and,

2. When rendering assistance to Russian or allied vessels so attacked.

The ships and cargoes captured under the conditions here described must be delivered to the proper authorities, the captors having the right to claim the customary prize money in the event of the confiscation of such ships or cargoes.

When arresting a merchant vessel or her cargo, the commander of the ship effecting such arrest must draw up a statement of the grounds for and circumstances of the arrest, and must take every possible precaution for the preservation of the ship and her cargo.

The commander is required further :—

1. To detain the captain, supercargo, and any other members of the crew whose evidence he considers may be necessary when the case is tried in the prize courts, independently of whether the persons mentioned are regarded as prisoners of war or not.

2. To secure, make an inventory of, and seal up all documents found on board of the captured vessel (Art. 18).

The captain of the captured vessel, the owners, both of the vessel and the cargo, or their representatives, if on the spot, are entitled to be present while the formalities described above are being performed, to make any remarks or suggestions, and to affix their own seals to all articles or compartments that are sealed up (Art. 19).

In extreme cases, when the preservation of the captured vessel is impracticable either owing to her unsound condition, or to her being of little or no value, or to the risk of recapture by the enemy, or to the distance she would have to be conveyed, or to the ports to which she would have to be taken being blockaded, or to serious danger threatening her captor, or finally, to difficulties in manœuvring, the commander is permitted, on his personal responsibility, to burn or sink the captured vessel, after first taking off her crew and as much as possible of her cargo, and after taking all necessary steps for the preservation of all papers and documents

found on board and of any other articles which may be essential for a proper trial of the case is the prize courts.

The circumstances leading to the destruction of the vessel must be stated by the commander in a detailed report or protocol (Art. 21).

Ships and cargoes captured from the enemy must be conveyed to a Russian port, or, where no such port is available, to that of an allied power, or to the acting Russian fleet (Art. 22).

When conveyed to a Russian port, or to the acting fleet, the ship and cargo must be handed over to the naval authorities, together with the necessary documents. The Naval Authorities, having opened the sealed documents, must take over, make an inventory of and store the property, arranging for the sale by public auction, when necessary, of any portion of such property which, from its nature or condition, cannot be preserved. At such sales the commander of the vessel that effected the capture, as well as the persons indicated in Art. 19, are entitled to be present and to express their opinions and offer suggestions (Art. 23).

In the absence of naval authorities, the rights and duties of such authorities belong:—

1. In Russian ports to the local port, customs, or police authorities; and

2. In the ports of allied powers, with the consent of the Ministry of Marine and the Ministry of Foreign Affairs in agreement with the authorities of the country effecting the capture, to the Russian Naval Agency or the Russian Consulate, or to some other similar institution.

Prize courts are competent to give decisions in the following cases:—

1. Cases of confiscation or liberation of captured merchant vessels and their cargoes, and of sums of money realised by the sale of such vessels or deposited as security for them or for their cargoes to free them from detention.

2. Claims for remuneration for losses sustained through detention, destruction, loss or damage to such ships or cargoes.

3. Restitution of ships or cargoes that have been recaptured from the enemy to their original owners, and the allotment of prize money and expenses payable by the said owners.

4. Allotment and distribution of prize money for the capture and detention, by Russian merchant vessels, of ships and cargoes belonging to the enemy (Art. 58).

Having received formal information of the arrival of captured property, the court must, at the very first possible sitting, proceed to take the depositions of such of the members of the crews of both the captured vessel and the captor, and of voluntary witnesses, as may be necessary to a proper consideration of the case (Art. 64).

In case of need, and independently of the enquiry described above, the court may, on its own initiative, or at the request of

persons whose interests are involved, and either by all or by one or more of its members, inspect the captured property or arrange for its inspection and valuation by competent persons (Art. 65).

The prize court is at liberty to release any property from arrest before the trial, if a deposit is paid into court equivalent to the value of the property so released. This is determined by sworn valuers or, in their absence, by other competent persons, who must be not fewer than two in number. The valuation must be made in the presence of at least one member of the court (Art. 66).

On the application of the parties and with the consent of the court, the property may be disposed of by public auction before the trial, if such property, from its nature or condition, is not fit for preservation, or if, in the opinion of competent persons, its value is insufficient to cover the cost of storage (Art. 67).

When captured property is brought to a port of an allied power, where there is no prize court, the duties described above are performed by the local Russian Naval Agent, the Russian Consul, or some other person specially appointed for the purpose, in the presence of two witnesses, who must, if possible, be Russian subjects. On the conclusion of the business, all papers relating to it must be forwarded to the nearest prize court.

The Russian Naval Agent or Consul or the person specially appointed to perform the duties described above, is at liberty to take the necessary steps with regard to the captured property in accordance with Arts. 66 and 67, whenever it is convenient to await the decision of the prize court. (Art. 68).

When necessary, the court is empowered to procure additional evidence to arrange for the exchange of documents by the parties and for the production by them of additional evidence, and to fix the time when such exchange or such production of evidence must take place. The examination of additional witnesses produced in accordance with this regulation is conducted either by the court itself, or, by its direction, by a naval authority not concerned in the capture, or by one of the persons mentioned in Art. 68. (Art. 70.)

On the basis of Arts. 68 and 70, a Russian Consul is permitted to participate in enquiries relating to:—

1. Claims for remuneration for losses incurred through detention, destruction, loss, or damage to merchant vessels.

2. The restitution of merchant vessels or cargoes which have been recaptured from the enemy to their original owners and the allotment of the amount of prize money to be paid by such owners, and

3. The allotment and distribution of prize money for the capture of ships and cargoes belonging to the enemy.

PART VIII.

Consular Fees.

CHAPTER I.—Parity of Russian Roubles and Foreign Currencies.

§ 362. Parity of Russian Roubles and foreign currencies.

Consular fees are paid in accordance with the Consular Tariff confirmed on the 8th June 1893.

In accordance with the opinion of the Council of the Empire, confirmed by the Emperor on the 11th May 1899, Consular fees are to be calculated in roubles equal to one-fifteenth part of one Imperial and levied in the currency of the country in which the Consul resides.[1] On the 1st Nov. 1897 the special office for credit of the Russian Ministry of Finance issued the following Table of legal parity between the Russian rouble and foreign currencies:

1 Rouble (equal to $\frac{1}{15}$ Imperial)	=	25·376	English Pence.
	=	2·666	Francs.
	=	2·16	German Marks.
	=	1·28	Dutch Gulden.
	=	1·539	Austro-Hungarian Crown.
	=	1·92	Danish, Norwegian or Swedish Crown.
	=	11·71	Turkish Piastre.
	=	0·476	Portuguese Milreis.
	=	0·514	American Dollar.
	=	1·032	Japanese Yen.
	=	10·409	Egyptian Piastre.
1 Pound Sterling - - -	=	9·4575	Russian Roubles.
1 Franc - - - -	=	0·3749	" "
1 German Mark - - -	=	0·4929	" "
1 Dutch Gulden - -	=	0·7811	" "
1 Austro-Hungarian Crown -	=	0·3937	" "
1 Danish Crown - - -	=	0·5208	" "
1 Turkish Pound - -	=	8·5372	" "
1 Portuguese Crown - -	=	20·9976	" "
1 American Dollar - -	=	1·9433	" "
1 Japanese Yen - - -	=	0·9686	" "
1 Egyptian Pound - -	=	9·6062	" "

[1] Consular Tariff, Art. 36.

CHAPTER II.—THE CONSULAR TARIFF.

Of Consular Fees.[1]	Rs. cop.	Great Britain. £ s. d.	France. Fcs. c.	Germany. M. Pf.	Holland. G. C.	Austria-Hungary. Kr. H.	Denmark and Sweden and Norway. Kr. Öre.	Turkey. Piastres.	Portugal Milreis.	United States of America. $ c.
1. For granting a passport to a Russian subject - - -	3 0	0 6 5	8 0	6 48	3 84	7 62	5 76	35 14	1 43	1 54
Note 1.—Passports are granted free of charge to Russian seamen.										
Note 2.—Passports granted by Missions and Consulates in Persia to Persian subjects proceeding to Trans-Caucasia and the Trans-Caspian region as labourers are charged at the rate of 75 copecks.										
2. For a temporary certificate of residence (carte de séjour) to a Russian subject in the East, available for one year and under - - - - - - - - - - - -	4 50	0 9 7½	12 0	9 72	5 76	11 43	8 64	52 71	2 14	2 32
3. For the visa :—										
(*a*) of a Russian passport - - - - - - -	0 75	0 1 7½	2 0	1 62	0 96	1 90	1 44	8 79	0 36	0 39
(*b*) of a foreign passport[2] - - - - - - -	2 25	0 4 10	6 0	4 86	2 88	5 71	4 32	26 36	1 07	1 16
4. For a certificate of birth, marriage, sickness, life, death or identity - - - - - - - - - - - -	3 0	0 6 5	8 0	6 48	3 84	7 62	5 76	35 14	1 43	1 54
Note.—The above does not apply to certificates for the receipt of pensions, for which a charge of ¼ per cent. of the amount of the pension is made.[3]										
5. For drawing up a protocol in connection with any matter including protocols as to property that has been deposited at the Consulate for safe keeping and as to the opening of wills[4] - - - - - - - - - - -	4 50	0 9 7½	12 0	9 72	5 76	11 43	8 64	52 71	2 14	2 32

Note.—Legal protocols in criminal as well as civil cases, which are already subject to the legal fee, according to Art. 22 of this Tariff, are free of charge under this Article.										
6. For a copy, extract or reference to the affairs and documents of the Consulate, per page, counting every twenty-five lines as one page and every incomplete page as a full one - - - - - - - - - - - -	0 75	0 1 7½	2 0	1 62	0 96	1 90	1 44	8 79	0 36	0 39
7. For the attestation by endorsement and seal of the Consulate and registration in the Consular book :										
(*a.*) Of deeds relating to immovable property (real estate) situated in Russia (Art. 1,915 of the Civil Code contained in Vol. X., Part i., ed. 1887 of the Svod Zakonov).										

[1] The Consular fees expressed in terms of foreign currencies are calculated on the basis of the normal rate of exchange shown in Part VIII., Chap. I. In Consular practice it is not always possible to charge the exact amounts, owing to the want of sufficiently small divisional currency; convenience in calculation has also to be taken into account. For instance, in Germany, coin of a lower denomination than 5 pfennigs, and in the countries of the Latin union of currency, those below 5 centimes, are seldom available, and the amounts of the fees charged in practice are accordingly not strictly correct. In Great Britain fractional parts of a penny are dispensed with as far as possible.

[2] For the visa of the passport of a Turkish subject travelling to Transcaucasia in search of work, a fee of 50 copecks is levied, in accordance with the opinion expressed by the Council of State and confirmed by His Majesty the Emperor on the 27th March 1895.

According to Art. 264 of the Russian Passport Regulations, it is only requisite that the passports of foreign subjects travelling to Russia should be visé. At the special request of Russian subjects, however, their passports may also be visé by Russian State Consuls, in order to attest their validity for local foreign authorities.

The fee to be paid for the visa is independent of the number of persons mentioned in the passport and is invariable.

[3] Art. 35 of this Consular Tariff, which refers to the special rights of indigent Russian subjects, cannot be applied to certificates for the receipt of pensions.

[4] Fees should not be charged when the drawing up of the protocols is not prescribed by the Consular Regulations, but is performed by the Consul on his own initiative and not at the request of the parties. If, however, the interested parties apply for a copy of the protocol, they are supposed to have expressed their desire to have the protocol drawn up, and must pay the fees in accordance with Art. 5, and also for the copy, according to Art. 6.

THE CONSULAR TARIFF—*continued.*

Of Consular Fees.	Rs. cop.	Great Britain. £ s. d.	France. Fcs. c.	Germany. M. Pf.	Holland. G. C.	Austria-Hungary. Kr. H.	Denmark and Sweden and Norway. Kr. Öre.	Turkey. Piastres.	Portugal. Milreis.	United States of America. $ c.
If the sum does not exceed 500 Rs. - -	3 0	0 6 5	8 0	6 48	3 84	7 62	5 76	35 14	1 43	154
„ „ „ is between 500 Rs. and 1,000 Rs, -	4 50	0 9 7½	12 0	9 72	5 76	11 43	8 64	52 71	2 14	2 32
„ „ „ exceeds 1,000 Rs. - - -	6 0	0 12 9	16 0	12 96	7 68	15 24	11 52	70 28	2 86	3 09
and a further charge of $\frac{1}{10}$ per cent. of the sum declared in the deed:										
(*b.*) Of deeds relating to immovable property situated in the East and also of certificates conferring the right to purchase or sell such property (ilmouhaber) in Turkey—1 per cent. of the sum mentioned in the deed:										
(*c.*) Of personal promissory notes, bills, &c., and for protest of same										
If the sum does not exceed 500 Rs. - -	0 75	0 1 7½	2 0	1 62	0 96	1 90	1 44	8 79	0 36	0 39
„ „ „ exceeds 500 Rs. - - - -	1 50	0 3 2½	4 0	3 24	1 92	3 81	2 88	17 57	0 7	0 77
and a further charge of $\frac{1}{8}$ per cent. of the sum mentioned in the deed.										
(*d.*) Of agreements for the hire of immovable property (real estate), contracts, personal hire and, in general, deeds and contracts relating to money or property not specially mentioned in this article:										
If the sum does not exceed 500 Rs. - -	1 50	0 3 2½	4 0	3 24	1 92	3 81	2 88	17 57	0 71	0 77
If the sum is between 500 Rs. and 1,000 Rs. -	2 25	0 4 10	6 0	4 86	2 88	5 71	4 32	26 36	1 07	1 16

If the sum exceeds 1,000 Rs. - - - and $\frac{1}{5}$ per cent. of the amount mentioned in the deed or contract.	3 0	0 6 5	8 0	6 48	3 84	7 62	5 76	35 14	1 73	1 54
Note.—In the case of deeds, contracts or agreements in which no sum is specified, or in which the value of the matter concerned cannot be determined, the fees and percentage are collected as for deeds, &c. relating to matters of the value of more than 1,000 Rs.										
(*e.*) Of the records of amicable settlements of disputes and of similar settlements by courts of arbitration - - - - - - -	4 50	0 9 7½	12 0	9 72	5 76	11 43	8 64	52 71	2 14	2 32
8. For legalising the authenticity of signatures to deeds specified in the preceding Article which have been drawn up by local foreign institutions, authorities or notaries, and certifying such deeds to have been executed in accordance with the laws of the land (Art. 465 of the Court of Civil Procedure), for each deed :—										
If the sum does not exceed 500 Rs. - - -	1 50	0 3 2½	4 0	3 24	1 92	3 81	2 88	17 57	0 71	0 77
„ „ „ is between 500 Rs. and 1,000 Rs. - -	2 25	0 4 10	6 0	4 86	2 88	5 71	4 32	26 36	1 07	1 16
„ „ „ exceeds 1,000 Rs. - - - - - and, further, $\frac{1}{5}$ per cent. of the sum declared in the deed.	3 0	0 6 5	8 0	6 48	3 84	7 62	5 76	35 14	1 43	1 54
Note.—In the case of deeds in which no sum is stated, or in which the value of the matter concerned cannot be determined, the fee and percentage are collected as for deeds relating to matters of the value of more than 1,000 Rs.										

§ 363. Consular Tariff.

§ 363

THE CONSULAR TARIFF—*continued.*

Of Consular Fees.	Rs. cop.	Great Britain. £ s. d.	France. Fcs. c.	Germany. M. Pf.	Holland. G. C.	Austria-Hungary. Kr. H.	Denmark and Sweden and Norway. Kr. Öre.	Turkey. Piastres.	Portugal. Milreis.	United States of America. $ c.
9. For legalising powers of attorney and certifying the authenticity of signatures, except in the cases provided for in Art. 8, for each power of attorney or signature[1] - -	3 0	0 6 5	8 0	6 48	3 84	7 62	5 76	35 14	1 43	1 54
Note.—The legalisation of powers of attorney giving authority to collect pensions is performed free of charge.										
10. For certifying the correctness of copies, per folio of 4 pages, counting 25 lines to each page and each incomplete page as a full one. - - - - - - - - -	1 50	0 3 2½	4 0	3 24	1 92	3 81	2 88	17 57	0 71	0 77
11. For certifying the correctness of a translation, independently of the fee to the translator, per folio (as in Art. 10)[2] -	3 0	0 6 5	8 0	6 48	3 84	7 62	5 76	35 14	1 43	1 54
Note.—For the Consular attestation of the fact that the translation was made or checked by a person having authority so to do under the laws of the land, a fee of 3 Rs. is charged as in the case of the attestation of a signature under Art. 9.										
12. For entering, by desire of the parties, in the book of Consular Acts any kind of document, per line of the book -	0 02	0 0 0½	0 05	0 04	0 03	0 05	0 03	0 23	0 01	0 01
13. For entering in the book of Consular Acts the full text of a will, or of any addition or codicil to a will or of an instrument cancelling a will - - - - - - -	7 50	0 16 0	20 0	16 20	9 60	19 05	14 40	87 85	3 57	3 86
And in addition, 2 copecks (= ½*d.*) per line in the book.										

14. For the custody of a will in a sealed parcel, one single payment at the time of deposit of - - - - -	15 0	1 11 9	40 0	32 40	19 20	38 09	28 80	175 70	7 14	7 72
15. For making an inventory of property, affixing and removing the Consular seals and drawing up the requisite protocol— (*a*) If the inventory is made by the Consul or his delegate—1 per cent. of the amount of the valuation. (*b*) If the inventory is made by the local authorities with the assistance of the Consul or his delegate —a single payment of - - - - - - *Note.*—Consular Acts for the protection of property left by deceased Russian captains and sailors are performed free of charge.	7 50	0 16 0	20 0	16 20	9 60	19 05	14 40	87 85	3 57	3 86
16. For checking the correctness of an inventory of property presented at the Consulate—one-fourth of the fees charged according to paragraph (*a*) of the preceding article.										
17. For affixing and removing seals and drawing up protocols when this is done independently of the inventory of property - - - - - - - - - - - -	3 0	0 6 5	8 0	6 48	3 84	7 62	5 76	35 14	1 43	1 54
18. For taking charge of a parcel containing documents, with the exception of wills (Art. 14) per month - - - *Note.*—When a packet is left in the custody of the Consul the fees must be paid for six months in advance.	0 75	0 1 7½	2 0	1 62	0 96	1 90	1 44	8 79	0 36	0 39

[1] Collective powers of attorney, given by several persons, pay the single fee as though the power were given by a single person.

For powers in which a sum of money is mentioned, the same fee is charged as for powers in which no sum is mentioned, as powers of attorney are not classed with contracts or deeds in which sums of money are involved, unless they have the character of contracts.

[2] Translations of certificates of service (discharges) of Russian seamen, are delivered and legalised free of charge in pursuance of a letter of the Department of Personal and Economic Affairs of the Russian Ministry of Foreign Affairs of the 16th October 1902, No. 7328, to the Russian Consulate at Newcastle-upon-Tyne.

THE CONSULAR TARIFF—*continued.*

Of Consular Fees.	Rs. cop.	Great Britain. £ s. d.	France. Fcs. c.	Germany. M. Pf.	Holland. G. C.	Austria-Hungary. Kr. H.	Denmark and Sweden and Norway. Kr. Öre.	Turkey. Piastres	Portugal. Milreis.	United States of America. $ c.
19. For taking charge of property, except of the kind mentioned in Art. 20 and the note to Art. 15, $\frac{1}{8}$th per cent. of the estimated value of the property per month, counting part of a month as a whole one. In addition, the person leaving the property in charge of the Consul, is obliged to pay the expense of renting suitable accommodation, of hiring watchmen, and any other expenses that may be incurred in guarding the property.										
20. For taking charge of money, funds, shares, banknotes, &c., $\frac{1}{24}$ per cent. per month, part of a month being reckoned as a whole one.[1]										
21. For a summons or notice or any other communication from the Consulate - - - - - - - - -	1 50	0 3 2½	4 0	3 24	1 92	3 81	2 88	17 57	0 71	0 77
22. For every suit at law, cross-action, petition of a third person to take part in the action or appeal, 1 per cent. of the amount involved. In cases where the amount cannot be ascertained, the fee is fixed by the Consular Court, when giving judgment, at from 1 R. to 50 R.										
23. For the sale of goods or property by public auction, either by direction or with the assistance of the Consulate—1 per cent. of the amount realised (in addition to the expenses of the sale).										

24. For each vessel arriving at the port, or in the roads :—										
Not exceeding 300 tons - - - - - - -	1 50	0 3 2½	4 0	3 24	1 92	3 81	2 88	17 57	0 71	0 77
300 to 1,000 tons - - - - - - - -	3 0	0 6 5	8 0	6 48	3 84	7 62	5 76	35 14	1 43	1 54
1,000 tons and more - - - - - - - -	4 50	0 9 7½	12 0	9 72	5 76	11 43	8 64	52 71	2 14	2 32
And tonnage dues at the rate of 1½ copecks per net registered ton according to the ship's register if the vessel carry on any commercial operations while in the port or roads.										
Note 1.—When collecting the dues indicated in this Art. the Consulates certify all documents relating to the ship and cargo, bills of health, and of loading and unloading free of charge. Every change in the crew list is subject to the fee indicated in Art. 28.[2]										
Note 2.—Vessels calling at a port for stores, coals, or water, or in consequence of an enforced interruption of the voyage by reason of storm, bad weather, accident to the vessel, or in order to send a sick man ashore, or to escape pursuit by an enemy's ship or a pirate, &c., are exempted from payment of the fees fixed by this article; but only in the event of their not performing any commercial operations while in port.										

[1] Although Elective Consular Officers are entitled to take charge of money, valuables, &c., belonging to Russian subjects and to apply Art. 20 of the Tariff, they are not at liberty to charge the expenses incurred for depositing such valuables for safety with banks.

[2] Certificates of service for Russian seamen are drawn up and attested free of charge. Certificates of service on board of foreign vessels of pupils of the navigation schools in the Government of Archangel are entered in their service books by Russian Consular Officers free of charge (*see* note 2, p. 235) in pursuance of the Circular of the Department of Personal and Economic Matters of the Russian Ministry of Foreign Affairs of the 4th May, No. $\frac{1319}{93}$.

§ 363. Consular Tariff.

THE CONSULAR TARIFF—*continued.*

Of Consular Fees.	Rs. cop.	Great Britain. £ s. d.	France. Fcs. c.	Germany. M. Pf.	Holland. G. C.	Austria-Hungary. Kr. H.	Denmark and Sweden and Norway. Kr. Öre.	Turkey. Piastres.	Portugal. Milreis.	United States of America. $ c.
25. For a certificate of loading of a foreign vessel or the attestation of such a document - - - - -	4 50	0 9 7½	12 0	9 72	5 76	11 43	8 64	52 71	2 14	2 32
26. For the delivery to a foreign vessel of a certificate of origin of goods, or the attestation of such document[1] - -	4 50	0 9 7½	12 0	9 72	5 76	11 43	8 64	52 71	2 14	2 32
27. For the delivery to a foreign vessel of a bill of health (patente de santé), or the attestation of such a document - - - - - - -	7 50	0 16 0	20 0	16 20	9 60	19 05	14 40	87 85	3 57	3 86
28. For a new crew-list and for every change in the existing one, with the declaration of the captain, annotation and entering in the list, for each person placed on the crew-list or struck off the same - - - -	0 75	0 1 7½	2 0	1 62	0 96	1 90	1 44	8 79	0 36	0 39
29. For a provisional flag-patent to a foreign vessel purchased by a Russian subject abroad, or for a provisional certificate to enable such a vessel to proceed to Russia if her Consular provisional patent has been permitted to expire	1 50	0 3 2½	4 0	3 24	1 92	3 81	2 88	17 57	0 71	0 77
30. For drawing up a sea-protest - - - -	7 50	0 16 0	20 0	16 20	9 60	19 05	14 40	87 85	3 57	3 86
31. For permission to conclude a bottomry loan[2] - -	4 50	0 9 7½	12 0	9 72	5 76	11 43	8 64	52 71	2 14	2 32
32. For Consular acts in cases of general or particular average (Art. 66, Cons. Reg.) - - - - And $\frac{1}{10}$ per cent. of the amount of the estimated repairs.	7 50	0 16 0	20 0	16 20	9 60	19 05	14 40	87 85	3 57	3 86

33. For drawing up a bill of sale of a vessel to a Russian subject by a foreigner or by another Russian subject, and also for permission to effect such a sale[3] - - -	4 50	0 9 7½	12 0	9 72	5 76	11 43	8 64	52 71	2 14	2 32
Note. The fee for drawing up a bill of sale of a Russian vessel sold to a foreigner is charged according to Art. 7D.										
34. For the issue or attestation of documents not specially mentioned in this tariff - - - - - - - -	1 50	0 3 2½	4 0	3 24	1 92	3 81	2 88	17 57	0 71	0 77
35. The fees chargeable in accordance with Art. 1, 3A, 4, 6, 9 to 11, 18, 21, 22 and 34 of this tariff, are not levied on indigent Russian subjects, if the Consul is convinced of their poverty.										

[1] Certificates of origin of French and Italian goods are drawn up or attested free of charge, according to the commercial convention concluded by Russia with France on the 5th June 1893, and with Italy on the 16th/28th September 1863. Circular of the Department of Personal and Economic Matters of the Russian Ministry of Foreign Affairs of the 21st June 1893, No. $\frac{2066}{97}$, and the 29th September 1893, No. $\frac{3290-3307}{100}$, and the decision of the Minister of Finance communicated to the Consulate at Newcastle-upon-Tyne, with a letter from the Embassy in London of the 5th/18th March, 1901, No. 298.

With regard to the delivery of certificates of origin of goods shipped in foreign vessels, or the legalisation of such documents by the Consul, an exception is made in the case of certificates for coal, which are only charged 3 roubles. Certificates for coke follow the general rule, paying a fee of 4 roubles 50 copecks.

[2] If the bottomry loan is concluded at the Consulate, which often happens, especially in the East, the fee is levied in accordance with Art. 7, in addition to that according to Art. 31 of this Tariff.

[3] Art. 33, and note, only provide for cases in which the bill of sale of a vessel is *drawn up* at the Consulate. When such documents are *drawn up by Notaries Public*, and are, subsequently, presented to a Russian State Consul for legalisation, it is necessary to distinguish two cases:—

a. If a vessel is sold to a Russian subject by a foreigner or by another Russian subject, the signature of the Notary Public affixed to the document is legalised in accordaece with Art. 9 of the Tariff and the fees levied accordingly.

b. If a Russian vessel is sold to a foreigner, the signature of the Notary Public is legalised in accordance with Art. 8 of the Tariff and the fees levied accordingly. (Letter of the Department of Personal and Economic Matters of the Russian Ministry of Foreign Affairs of the 19th October 1902, No. 7419, to the Russian Consulate at Newcastle-upon-Tyne.)

§ 363. Consular Tariff.

§ 363. Consular Tariff.

THE CONSULAR TARIFF—*continued.*

Of Consular Fees.	Rs. cop.	Great Britain. £ s. d.	France. Fcs. c.	Germany. M. Pf.	Holland. G. C.	Austria-Hungary. Kr. H.	Denmark and Sweden and Norway. Kr. Öre.	Turkey. Piastres.	Portugal. Milreis.	United States of America. $ c.
Note.—In accordance with a circular from the Department of Personal and Economic Matters of the Ministry of Foreign Affairs of the 13th June 1894, No. 2105, the exemption on the score of poverty is not granted in the case of certificates for the receipt of pensions, the fees for which are levied in accordance with the Note to Art. 4 of the Tariff.										
36. The Consular fees are levied in conformity with the Consular Tariff in the currency of the country in which the Consul resides.										
37. Expenses incurred by Consular Officers in the discharge of duties imposed upon them by the law or required of them by private individuals are refunded to them on the following bases:										
(*a.*) Fees to translators, to ministers of religion invited to administer oaths, and to experts; the cost of telegrams, special messengers (not outside the town), advertisements and so forth necessitated by the local conditions, are refunded as actually incurred.										
(*b.*) In cases where the services of the Consul are required outside of the town where he resides, and at a greater distance than five versts ($3\frac{3}{10}$ miles), the expenses of the journey are refunded as actually										

§ 363. Consular Tariff.

incurred and, in addition, the private expenses of the Consul are reimbursed at the rate of 12 roubles, of a Consular delegate at the rate of 7 roubles 50 copecks, or of a Consular servant at the rate of 4 roubles 50 copecks for every 24 hours or part of 24 hours.

Expenses incurred by Consuls for consultations with local lawyers, if the Consuls have recourse to them on their own initiative and not at the request of private persons, *i.e.*, in doubtful cases and for the purpose of assuring themselves that certain acts of foreign institutions are in accordance with the laws of the land, are reimbursed out of the sums granted to the Consulates from the funds of the Imperial Exchequer.

According to the rules to be observed in collecting passport fees from Russian subjects arriving in Turkey and the dues on Russian merchant vessels passing through the Bosphorus—

1. The Russian Consul-General at Constantinople levies a fee of 3 copecks per last on every Russian vessel passing through the Bosphorus towards the maintenance of the Russian hospital at Constantinople.

2. For the same purpose, the Russian State Consuls in European and Asiatic Turkey levy, from all Russian subjects coming to Turkey on private business (including pilgrims) or residing there permanently, a fee of 50 copecks per passport per annum. The fee is collected when the passport

§ 868. Consular Tariff.

THE CONSULAR TARIFF—*continued.*

Of Consular Fees.	Rs. cop.	Great Britain. £ s. d.	France. Fcs. c.	Germany. M. Pf.	Holland. G. C.	Austria-Hungary. Kr. H.	Denmark and Sweden and Norway. Kr. Öre.	Turkey. Piastres.	Portugal. Milreis.	United States of America. $ c.
is presented for the first time at the Consulate, and a note is made in the passport of the amount collected.										
3. The fees collected in this manner (Nos. 1 and 2 are placed at the disposal of the Russian Ambassador and are applied at his discretion.										
The amount of fees collected for every legalisation or issue of a document must be inscribed by the Consular Officer on the document itself. This has the significance of a receipt.										

CHAPTER III.—Fees Collected by State and Elective Consular Officers.

§ 364. Fees collected by State and Elective Consular Officers.

The fees of every description levied by State Consular Officers, who receive their salaries from the Russian State, belong to the revenue of the Empire. Their payment into the Treasury and the method of keeping accounts in connection with them are regulated by orders which only concern State Consular Officers.[1] Elective Consular Officers, who are not in the actual service of the State nor in receipt of fixed remuneration from the Russian Exchequer, retain all fees collected by them in their Consular capacity for their own use and benefit, except when they are paid salaries either as officials of the Consular Office or as acting Consuls in the place of State Consular Officers.[2]

Elective Consuls are not at liberty to apply the following Arts. of the Consular Tariff:—1; 2; 3; 7; 8; 13; 14; 22; 29; 33. The application of Art. 37 by Elective Consular Officers is quite exceptional, as, speaking generally, the Consular district is confined to the town in which the Consular Officer resides.

At the beginning of each year, Elective Consular Officers are required to submit to the State Consular Officer to whom they are subordinate a statement of the fees collected by them during the preceding year, giving the following particulars:

1. As to ships' fees, according to tonnage; total number of ships clearing in and out, their tonnage and the total amount of fees in Russian roubles.

2. As to certificates of loading of foreign ships or legalisation thereof; the quantity of goods, the total amount of fees in roubles.

3. As to bills of health for foreign ships; number and total amount of fees in roubles.

4. Total amount in roubles of fees in matters not mentioned in §§ 1, 2, 3.[3]

In all cases of doubt as to the proper application of the Consular Tariff, Elective Consular Officers are recommended to apply to their State Consul, who will submit the matter to the Department of Personal and Economic Matters of the Ministry of Foreign Affairs.

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[1] Cons. Reg., Arts. 110 and 111. [2] Cons. Reg., Art. 112.

[3] Circular of the Department of Personal and Economic Matters of 12th May 1897, No. $\frac{2116-2132}{120}$.

CHAPTER IV.—Fees collected not to be returned.

§ 365. Fees collected are not returnable.

It frequently happens in Consular practice, that parties who have requested and obtained the Consular legalisation of a document, afterwards demand the return of the fees collected for the legalisation, on the grounds that, through a mistake on their own part, or for some other reason not connected with the Consulate, the legalised document is no longer of any use to them. It is to be borne in mind, that once a document is issued or legalised at the request of the parties, there is no reason why the Consular fee should be returned. In legalising a document, the Consular Officer acts on the same lines as a Notary Public, and no Notary Public after having legalised a document, would consent to return the fee for so doing on the strength of the declaration of the parties that the document had become useless. It would be impossible, under such conditions, to keep the Consular books in order. In November 1902 a firm in Glasgow lodged a complaint against the Russian Vice-Consul at that place, for refusing to return the fees collected by him for legalising a document which, for some reason connected with the firm's business, had become useless to them. The Russian Ministry of Foreign Affairs decided that the fee levied from the firm could not be refunded, in view of the fact that the Consular legalisation had ceased to be necessary for reasons not connected with the Consular Office.[1]

CHAPTER V.—No Fees for Overtime.

§ 366. No fees for overtime.

In the Russian Consular Tariff no provision is made for increased fees as overtime charges in respect of Consular Acts performed after Consular hours. Russian subjects are entitled, in urgent cases, to apply at any time of the day to Russian Consular authorities without paying any extra fee whatever. The duty of looking after Russian interests and of assisting destitute Russian subjects is incumbent on Russian Consular Officers, not only in their Consular hours but, according to the nature of the case, at all times. On the other hand it should always be recognised, that the Consul ought not to be troubled after his Consular hours without urgent cause. Non-Russian subjects must keep strictly to the Consular hours as published in the local guides and directories. Should a non-

[1] Letter of the 11th March 1903, Sub. No. 2329, of the Department of Economic Matters of the Ministry of Foreign Affairs.

Russian subject urgently desire the visa of his passport, a bill of health, or some similar document after Consular hours, owing to unforeseen circumstances, the Consul has the right to decide, according to his own judgment, whether he will comply with the request or not. Under no circumstances however can there be any question whatever as to an overtime fee, for there is no provision for it in the Consular Tariff and all Consular fees must be charged exactly in accordance with this tariff and be entered in the Consular books.

PART IX.

Instructions as to Russian Customs Regulations.

CHAPTER I.—Russian Customs Regulations as to Foreign Lottery Tickets, Passengers' Luggage, and Books.

Application is frequently made to Russian Consular Officers for information as to the Russian Customs Regulations concerning foreign lottery tickets, passengers' luggage, and books. The chief enactments of Russian law as to these matters are as follows:—

Persons arriving in Russia from abroad, whatever their position in life, are only allowed to pass the frontier after they have undergone the customs' examination prescribed by law, and they must not in any case oppose such examination.

Persons leaving Russia are, together with their goods, subject to examination only if the customs authorities have good reason to suspect that they are carrying articles which are subject to export duty, or which are altogether forbidden to be exported.[1]

§ 367. Foreign Lottery Tickets.

All foreigners arriving in the Empire, including Poland, whilst being examined and passed at the frontier, are notified that it is unlawful to bring in tickets of foreign lotteries.[2]

Bonds issued by foreign States are allowed to be brought in, but not tickets for foreign lotteries, which are generally termed "lottery loans of private persons, companies, or towns."[3]

It is unlawful to bring into the Empire lottery obligations, &c., for loans issued in the Grand Duchy of Finland, to meet the cost of construction of the Helsingfors Railroad.[4]

§ 368. Passengers' Luggage.

Passengers' luggage is considered to consist of those things which are in the possession of passengers, and which are required by them during the voyage. Such articles, if they do not come under the head of merchandise, are admitted free of duty.[5]

Articles which are, in general, prohibited from being brought in from abroad, are not included among those which are allowed free of duty as passengers' luggage. For instance, foreign playing cards, if found on a passenger, are not passed by the customs, but are confiscated and forwarded to the St. Petersburg Tutelar Committee. Passengers are not liable to a penalty for having playing cards in their possession unless they have been intentionally concealed.[6]

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[1] Customs Reg., Art. 879.
[2] *Ibid.*, Art. 882.
[3] *Ibid.*, Art. 883.
[4] *Ibid.*, Art. 884.
[5] *Ibid.*, Art. 899.
[6] *Ibid.*, Art. 900.

The following articles are allowed free of duty as passengers' luggage:—

1. Clothing, boots and shoes, linen and towels (already used)—in quantity necessary for a passenger. Pillows, mattresses, table and bed linen, although they have been in use, are only allowed in very small quantities.

2. Furs: such as cloaks, caps, muffs, &c.—one set for each passenger.

3. Articles of gold, silver, or any other metal, for household purposes—up to 3 lbs. in weight for each person; toilet bags of every description—one for each person. All silver articles, which have already been in use and were manufactured within the Empire, including Poland, and which bear the Government mark, are allowed free of duty in any quantity. Articles of gold and silver, which are passed as passengers' luggage and free of duty do not require to bear the Government mark; other articles of the same description are only passed, on payment of the necessary duty, if they come up to the Government standard; if not, they are liable to be sent back.

4. Articles of personal use in gold, silver, &c.—two of every description for each person; toilet accessories, such as rings, scarf pins, links, studs, &c., &c.—as many as the passenger carries, if they do not appear to be brought for sale. The regulations mentioned in the above paragraph apply equally to this paragraph.

5. Articles not mentioned in the foregoing paragraph, but which are required for use on the voyage: two in number for each person. New gloves: not over a dozen pairs. Kitchenware, dinner and tea sets, bronzes, clocks, window and door curtains, carpets, and generally articles employed for furnishing and ornamenting houses, are not considered as articles which are required by passengers during the voyage.

6. Surgeons are allowed to bring surgical instruments; artists, articles required in art; tradesmen, necessary tools; musicians, hand instruments, so long as the articles brought do not appear to be for sale.

7. Boxes containing snuff and tobacco, if they have been opened; cigars, not over a hundred for each person.

8. Eatables, in very small quantities.

9. Cases, trunks, boxes, bales, bags, &c., containing passengers' luggage: as many as there are. New fancy cases and receptacles mounted with bronze, or otherwise ornamented, although containing luggage, are not allowed free of duty.

10. Carriages which have been taken out of the Russian Empire, or the provinces of the kingdom of Poland, may be brought in again on presentation of a certificate from the custom house by which they were passed out. All other carriages are allowed in on payment of duty, but should the passenger wish to return abroad and take the carriages with him, the duty is refunded on

presentation of the receipt given by the customs officer by whom it was collected. These receipts are obtainable on request and are valid for two years from the day of their issue.[1]

Duty must be paid for such passengers' luggage as, in accordance with the foregoing regulations, is not admitted free.

Care is taken (1) that the duty is only levied on articles over and above the quantity allowed free; (2) that it is not collected for articles in respect of which a certificate is presented showing that they had been previously taken out of the Russian Empire, including Poland; and (3) that it is not collected at all when the total amount is under three roubles.[2]

Dutiable goods carried by passengers in such quantities that they do not appear to be for sale, are examined without presentation of a written declaration, and are passed on making the necessary entry in the customs books, unless the amount of duty exceeds the sum of 60 roubles for one person or family; if, however, the passenger does not wish to pay duty, he is at liberty to send the goods back.

Goods brought by passengers, the duty on which exceeds the sum of 60 roubles, may be dealt with according to the following Article of the Customs Regulations.[3]

Duty must be paid on all goods the introduction of which for sale is prohibited, but which are brought into the country by passengers for their own use, unless there is an attempt to smuggle them through. The passenger is, however, at liberty to send them back without paying duty. The declaration of such goods must be presented to the Customs by the passenger himself, or by his representative, in accordance with the general rules. If a passenger or a family carries goods of the description named, and there is no attempt at concealment, they are examined and passed, when the amount of duty does not exceed 60 roubles,[4] in accordance with the rules mentioned in Art. 904.

CHAPTER II.—Reduction and Remission of Customs Duties.

§ 369. Reduction of Customs Duty.

According to Art. 910 of the VIth. volume of the edition of 1892 of the Svod Zakonov, persons who give up their residence abroad and proceed to Russia (including Poland) to reside there permanently, and also Russian subjects returning to Russia after having spent more than two years abroad, or inheriting property abroad, can, with the permission of the Minister of Finance, obtain a reduction of the customs duty to the amount of 750 roubles for one person

[1] Customs Reg., Art. 901.
[2] *Ibid.*, Art. 902.
[3] *Ibid.*, Art. 904
[4] *Ibid.*, Art. 905.

and 1,350 roubles for a family, on such of their household goods as are not exempt from duty according to the regulations as to passengers' luggage, provided that the said articles have been in use. Diplomatic agents are allowed still greater reductions of customs duties. Merchandise is in all cases excluded from this privilege.

In order to obtain this reduction of customs duty, a petition should be addressed to the Russian Minister of Finance, enclosing:—

1. An inventory of all the articles to be sent to Russia. The local chief police officer must certify that the articles are petitioner's household property and have been used by him. The chief police officer's signature must be attested by a Russian State Consul, and a copy of the inventory left at the Consulate.

2. Two Russian stamps of the value of 60 copecks each, or 1.20 roubles in Russian money.

3. A certificate from the local chief police officer to the effect that the petitioner has given up his residence and is proceeding to Russia. This certificate must also be attested by a Russian State Consul and a copy of it left at the Consulate. Russian subjects must enclose, in place of this certificate, one issued by the State Consul, mentioning the date when the petitioner left Russia (which date is shown in his passport) and certifying that he has lived abroad for two years or more. The petition must state the particular Russian custom house to which the articles are to be sent, so that they may be inspected by the officials, and must give the address to which the petitioner desires the reply to be sent. The reply is communicated by the Customs Department of the Russian Ministry of Finance to the Russian Consul in whose district the petitioner resides, usually with a notification that the reduction of customs duties, as mentioned in the Article referred to, will only be granted for property which, on rigorous inspection, is found to have been in use. Articles to which an appearance of wear has been given without their having really been in use are subject to the ordinary duty.

The applicant does not require to wait for the reply of the Ministry to his petition, as the frontier authorities indicated in the petition are directly instructed by the Ministry of Finance.

The Minister of Finance has the right to permit the conveyance of foreign goods free of duty through Russia in all directions, with the exception of goods in transit to Persia by way of the Trans-Caucasian Provinces.[1] He has also the right, at his discretion, to pass, free of duty, articles intended for the use of the Red Cross Society, for benevolent societies, for the use of the Church, for Government and Communal establishments and also for private persons, on condition that the amount of duty thus remitted does not exceed the sum of 5,000 roubles per annum.[2] In order to obtain the benefit of these reductions it is necessary to address a

[1] Svod Zakonov, vol. vi., ed. 1893, art. 4.

[2] *Ibid.*, Art. 5.

petition to the Russian Minister of Finance, enclosing two Russian stamps of the value of 60 copecks each, and to indicate the address to which the petitioner desires the reply to be sent.

On the 26th May 1903, His Majesty the Emperor approved a Customs Regulation, according to which the following articles are exempted from customs inspection and from the payment of customs duty:

I. The personal effects of (*a*) heads of States, foreign princes and princesses visiting Russia; (*b*), persons accredited to His Majesty the Emperor or charged with special missions by foreign governments to the Imperial Court; (*c*), ambassadors, ministers plenipotentiary, resident ministers, *chargés d'affaires*, diplomatic agents and other representatives of foreign states holding equal rank with those enumerated above; (*d*), military and naval attachés to foreign embassies and legations; (*e*), members of diplomatic corps forming part of foreign embassies or legations; and (*f*), members of the suite of heads of States, princes and princesses mentioned in section (*a*).

II. The persons designated above in section (*c*) of paragraph I., enjoy, during the first year of their sojourn in Russia, unlimited exemption from customs duties; for every subsequent period of five years the customs duties are remitted to a total of not exceeding 6,750 roubles to ambassadors; 4,500 roubles to ministers plenipotentiary, and 2,250 roubles to resident ministers, *chargés d'affaires*, and diplomatic agents. The same exemption is granted to persons holding equal rank with the diplomatic representatives enumerated in this paragraph.

III. Persons temporarily fulfilling the duties of heads of foreign embassies and legations, or having provisional powers as resident ministers, *chargés d'affaires*, or diplomatic agents, enjoy the same exemption from the payment of customs duties as the persons they replace. The proportional rate of exemption from custom duties is fixed, in advance, every three months.

IV. Councillors, secretaries, and commercial agents attached to foreign embassies and legations, military and naval agents, attachés to embassies and legations, and consuls of all grades of the service sent by foreign governments are allowed an exemption of customs duties on their arrival in Russia on all personal and household property, of 750 roubles for each individual and 1,350 roubles when accompanied by a family.

V. Naval and military attachés of foreign embassies and legations are, in addition to the privilege specified in § IV., allowed a further exemption from customs duties of 1,500 roubles for each period of five years of their residence in Russia.

VI. Foreign ambassadors, ministers plenipotentiary, resident ministers, *chargés d'affaires* and diplomatic agents, are entitled to receive from abroad articles, the importation of which is prohibited

by the customs tariff[1] during the first year of their residence in Russia, without requiring any authorisation, and, in subsequent years, with proper authorisation, which is obtained through diplomatic channels. Prohibited articles, the importation of which is not authorised, may be returned abroad.

VII. Articles of foreign origin, the importation and circulation of which in Russia is only permitted subject to the observation of certain special legislative dispositions, or by special permission of the competent authorities (Regulation of the 15th May 1901, Art. 194) are delivered to persons described in sections (*c*) and (*d*) of § I. and in § III. without observing the formalities prescribed above, while articles made from precious metals and usually subject to assay are delivered without being assayed.

VIII. The privileges specified in §§ II.–VII. are granted to the persons indicated only while they retain their official position and on their written declaration that the articles imported by them are intended for their own private use or that of their families.

IX. Articles sent from abroad and addressed to foreign ambassadors, ministers plenipotentiary, resident ministers, *chargés d'affaires*, diplomatic agents and members of diplomatic corps holding equal rank with them, during the first year of their residence in Russia, are exempt from examination at the customs offices. In all other cases, articles sent from abroad and addressed to any of the persons indicated in §§ II.–V. are subject to a summary and expeditious examination.

X. Scientific, artistic and literary productions forwarded from abroad and addressed to any of the persons indicated in §§ II.–V. or to members of their families, are not subject to examination by the censor.

XI. The stamps, seals, official books, official formularies, shields and flags required by the ambassadors, legations and consulates of foreign countries, as also the uniforms of their officials, are free of customs duties.

CHAPTER III.—IMPORTATION INTO RUSSIA OF LIVE PLANTS, FRUITS, AND VEGETABLES.[2]

§ 370. Importation into Russia of Live Plants.

1. The importation into Russia of live plants (with the exception of vines[3]), is permitted from the following places: Germany, Belgium, Holland, Denmark, Great Britain, Sweden, Norway, France, Italy, Austria, China, Japan, India and the islands of the Indian ocean.

[1] *See* list of articles the importation of which is prohibited, Part IX., Chapter VII.

[2] Russian Regulation of 15th April 1896.

[3] *See* list of articles, the importation of which into Russia is prohibited, Part IX., Chapter VII.

Importation is permitted—

(*a*) by way of any of the custom houses of the 1st class situated on the western frontier, from its northern limit to the custom house at Radzivilovo inclusively, viz., at Verzhbolovo, Grayevo, Neshana, Alexandrovo, Veronkhovo, Shipiorne, Sosnovitze, Granitza, and Radzivilovo.

(*b*) By way of the ports of the White, Baltic and Black seas, viz., Odessa, Batoum and Novorossisk ; for the latter port a special permit in each case is necessary from the Minister of Agriculture.

Plants imported from abroad may be inspected either on the frontier or at the place of destination of the articles, if there is a custom house at that place.

The term live plants includes, as well as live plants or parts of plants, their roots, scions or suckers, but does not include detached branches, leaves or flowers, or bulbs, or tubercles, freed from earth.

2. Consignments of live plants must be accompanied by certificates of origin, issued by competent authorities or by a phylloxera station, which must state—

(*a*) that the parcel does not contain grape-vine.

(*b*) that the soil, nursery plantation, enclosure or hothouse where the plant was grown has not been used for growing vine.

(*c*) that there is no depôt of vines in the immediate vicinity.

(*d*) that the soil in which the plants were grown is at least one kilometre distant from any place infested by phylloxera.

Live plants from countries outside Europe need only be accompanied by certificates to the effect that the parcel contains no grape vine, Such certificates must also be produced for plants sent from one Russian port to another in a different sea.

Consignments of plants are delivered by the custom house to the consignees on presentation of signed declarations to the effect that the particular parcels do not contain grape vine.

Plants intended for the Imperial Botanical Gardens at St. Petersburg, the Agronomical Society of Moscow or those of New Alexandria and the Imperial Universities require no certificate.

3. Grapes for the table and the lees of the crushed fruit are admitted at all custom houses that are open for the admission of live plants. Grapes imported from abroad may not be packed in vine leaves as the introduction of these leaves into Russia in any form is prohibited.

4. All kinds of fruit and vegetables may be imported—except by way of the south-western frontier from the custom house at Radsivilovo to the Black sea, where it is absolutely prohibited.

5. The importation of live plants from Finland is subject to the same restrictions as from foreign countries, but there is no restriction whatever on the carriage of such living plants as transit goods to Finland or any other country by way of the Russian Empire.

6. The owners of plantations in certain parts of the government of Kutais, who are specially mentioned in a decision of the Phylloxera committee of the Caucasus, are permitted to import plants from all countries, the only stipulation being that plants imported from countries not mentioned in the begining of this chapter, must be cleared at the custom house at Batoum.

CHAPTER IV.—IMPORTATION INTO RUSSIA OF DRUGS AND MEDICINES.[1]

§ 371. Importation into Russia of Drugs and Medicines.

1. Applications for permission to introduce patent medicines into Russia must be addressed, post paid, to the Department of Trade and Manufacture of the Ministry of Finance, and not to the Medical Department. Two stamps of the value of 60 copecks each must be attached to the petition and every additional sheet must be stamped with one stamp of like value.

2. An exact description must be given of the medicine and its composition.

3. The Medical Council does not consider applications which relate to medicines that have not been previously tested and approved by the Medical Faculty of some foreign university or by some other institution of equal authority.

4. The Medicine or drug must be of such a nature as not to deteriorate when stored for considerable periods or when transported for great distances.

5. It must contain no poisonous substance.

6. The method of preparation must be of such a character as to require the employment of apparatus and instruments that are not easily procured and which require special manipulation.

7. Labels or wrappers containing printed directions for use or advertisement require the special sanction of the Direction General of the Press ("Glavnoye upravleniye po delam petchati").

8. All expenses of carriage, &c., are borne by the applicant.

[1] Russian Regulation of 8th December 1880.

CHAPTER V.—Formalities to be observed when Importing Goods.[1]

§ 372. Importation of Goods.

Goods are received at the Custom House Offices on presentation of the following documents:—

a. An invoice or specification,

b. A written declaration,

c. Bills of lading, or,

d. The verbal declaration of the consignee.

The four requirements will now be dealt with in greater detail.

(*a.*) Invoices and Specifications.

§ 373. Invoices.

1. Invoices and specifications presented at custom house offices with parcels of goods must be issued by the factory, works, or depôt from which the goods come, and must bear the signature of a representative of the firm, or its official seal; they must be made out in accordance with commercial law and usage, and must show the date and locality from whence the goods have come, the mode of packing, the number of bales, and all special marks and numbers, and the quantity, description, and quality of the goods.

2. The quantity of the goods must be stated in terms of the weights and measures used at the place of origin.

3. The reduction of foreign weights and measures to Russian weights and measures, and the assessment of the corresponding amount of duty to be paid, is made by the customs officials.

4. Invoices or specifications bearing corrections or erasures are not accepted, unless such corrections or erasures are authenticated by the signature or the seal of the firm making them.

5. An invoice or specification may be made out to a third person.

6. The invoice or specification must be accompanied by a note stating:—

a. The mode of transport.

b. The documents annexed to the note.

c. Date of the note and place of residence of the person making the declaration.

d. Whether the person making the declaration wishes to be present at the customs examination or not.

e. Signature of the person making the declaration.

7. The specifications or invoices above-mentioned may be presented to the custom house officials either by the consignee in person or by his attorney, or they may be sent by post.

8. The customs officials may demand the presentation by the consignee of a certified translation of the specification.

[1] Russian Regulation of 15th May 1901.

(*b.*) Declarations.

§ 374. Declaration.

1. The declaration soliciting the examination of goods by customs officials, must state :—

a. The number of the bill of lading or way bill presented to the custom house office. The bill of lading must, among other particulars, give the name of the ship the goods are carried in.

b. The name of the consignee.

c. The number of bales or packages, their special marks and numbers, and the mode of packing.

d. The article of the tariff which applies to the goods.

e. The quantity of goods, written out in full.

f. The price of the goods, either in a lump sum or in detail, in Russian currency.

g. The documents accompanying the declaration.

h. The date of the declaration, and applicant's address.

i. Whether the applicant wishes to be present at the examination of the goods by the custom house or not.

k. Signature of the applicant.

2. The declaration may be presented at the custom house office by the applicant in person or by an attorney, or it may be sent by post.

3. The customs office has power to demand a statement as to the origin of the goods.

4. Goods of the same description, but in separate parcels and having separate way bills or bills of lading, and addressed to the same consignee, may be enumerated in the same declaration.

5. A declaration may relate to a parcel of goods forwarded on a common way bill or bill of lading with other parcels of goods, if the parcel in question is specially described in such way bill or bill of lading.

6. In the case of certain goods enumerated in the list published by the Ministry of Finance, it is sufficient to give, in the declaration, the quantity of goods, without reference to the corresponding article of the tariff.

7. In the case of certain goods indicated in the list referred to, and loaded in bulk, it is sufficient to state the quality of goods without mentioning the quantity.

8. The quantity of goods may be expressed by a number, by a measure, or by a weight (gross or net) and for each class of goods separately.

9. The gross weight must be stated of certain goods and a description given of the kind of packing employed. The weight of other goods must be given without the inside packing, which is included in the weight.

10. Articles of merchandise mentioned in the Ministerial list referred to (Art. 6), on which duty is paid by weight, although they are sold in detail, may be declared according to the number of single articles.

11. No alterations are allowed in the declaration after it has been delivered to the customs authorities. Any errors in the declaration, whether in the quantity or the quality of the goods, may be corrected by a special letter, to which the original invoice must be annexed.

12. A statement of the quantities is unnecessary if the goods constitute full cargoes. In such cases the consignees pay an additional 3 per cent. on the total amount of import duties.

(*c.*) Bills of Lading.

§ 375. Bills of Lading.

1. The customs examination of goods paying duty according to the reduced tariffs, may take place on the basis of bills of lading, way bills, &c.

2. If the goods are in packages of different dimensions, a specification of the entire cargo is necessary.

3. Bills of lading must be handed to the customs authorities either by the consignee in person or by his attorney, or they may be sent by post.

4. A bill of lading cannot serve as a voucher for the customs inspection if the goods concerned are of different descriptions, and if only one class of them comes under the category of Article 1 above.

5. Goods imported at ports in the Black Sea and Sea of Azof in Turkish vessels (feluccas), and for which bills of lading are not obligatory, and undutiable goods arriving by way of the ports of the Government of Archangel in local vessels and in vessels trading regularly to the ports of the Russian coast and Norway, are inspected on the captain's declaration.

(*d.*) Verbal Declarations.

§ 376. Verbal Declarations.

A verbal declaration is sufficient for the customs inspection in the case of—

1. Undutiable merchandise imported by highway or river.

2. Articles of food (except alcohol and alcoholic beverages) intended for consumption by travellers entering Russia, up to a total amount of not exceeding 4 roubles 50 copecks of customs duties.

3. Passsengers' luggage and any other articles belonging to travellers, transported in special packages; these articles are inspected within 14 days of their arrival.

The periods during which documents must be presented are as follows:—

(*a*) 14 days for central custom houses and entrepôts and for the overland custom house at St. Petersburg.

(*b*) 7 days in the case of maritime custom houses.

(*c*) 5 days for all other custom houses, counting from the day of presentation of the bill of lading to the customs officials. If quarantine is established on the frontier, the time limit begins on the day on which the goods are liberated from quarantine and delivered to the customs officials.

In the case of customs barriers the documents in question must be presented immediately on arrival of the goods.

If the vessel is compelled by *force majeure* to enter a port which is not her destination, the time limit for the presentation of the requisite documents is:

(*a*) Seven days, if the vessel is to be unloaded and the goods forwarded to their destination by other means.

(*b*) One month if the consignee is able and willing to pay the import duties at the intermediate port.

The day on which the documents are presented to the customs office is not included.

CHAPTER VI.—FORMALITIES TO BE OBSERVED BY VESSELS ARRIVING AT RUSSIAN PORTS FROM ABROAD.

§ 377. Customs Regulations for In-coming Ships.

ACCORDING to the Russian Customs Regulations[1] masters of vessels entering Russian ports from abroad must have on board on arrival, ready to lay before the custom house officers, the following documents:—

1. Manifest of cargo, certified and signed by the captain's broker or agent at the port of loading. In case no broker or agent is employed, the captain can make out his own manifest and sign it himself, but the signature must then be certified by a Russian State or Elective Consular Officer, or, failing such, by a notary public or some other authority at the place of loading.

2. Bills of lading.

3. Ship's declaration.

4. Bill of health.

5. Crew list.

6. Specification of all provisions on board, as well as of all ship's gear, anchors, chains, &c.

7. List of all articles and clothes, new and old, belonging to the captain and crew.

8. List of passengers, if any, and their luggage.

9. Articles and register.

The absence of any of these documents will render the captain liable to a fine.

[1] Customs Regulations of 8th June 1903.

If it should be impossible to get the manifest and bills of lading (of which documents there ought to be three copies) ready before the ship leaves the port of loading, the necessary documents may be sent by post after the ship's departure.

§ 378. Bills of Lading.

Bills of lading must contain the names of the ship, of the captain, and of the shippers of the cargo, the ports of loading and destination, a description of the goods shipped, the gross weight of each parcel or item; all measures of capacity; the number of packages; the marks, numbers, and addresses on such packages, and the captain's signature.

Bills of lading are not necessary for (1) the personal property of the captain or crew, or passengers' luggage, (2) transit goods, and (3) raw mineral products, such as chalk, alabaster, gypsum, phosphorite, &c., shipped in bulk as ballast.

§ 379. Manifests of Cargo.

Manifests must contain (1) the number of bills of lading, (2) the number of packages to each bill of lading, or, if the goods are shipped in bulk, the number of parcels and a description and the approximate weight of the goods, (3) the signature of the agent.

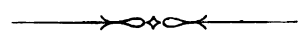
A manifest must be made out at each port where the ship takes goods on board, and for each port of destination separately.[1]

Corrections, alterations, or endorsements, either of the bills of lading or the manifest, must be countersigned by the ship's agent, a shipbroker, or a police or customs official.

§ 380. Ship's Declaration.

The ship's declaration must contain: (1) description, name and nationality of ship, (2) name of captain, (3) port of loading, (4) port of destination, (5) specification of all goods loaded without bills of lading, and of any flotsam picked up at sea, (6) list of documents produced with declaration, and (7) signature of captain.

An inventory should be added of the ship's stores and provisions and of the personal property of the captain and crew, giving weights and measures.



CHAPTER VII.—LIST OF ARTICLES, THE IMPORTATION OF WHICH INTO RUSSIA IS PROHIBITED.[2]

§ 381. Articles the Importation of which into Russia is prohibited.

1. Russian divisionary currency of copper or silver, and all foreign currencies of copper or silver, except (1) Chinese *yambs*, the importation of which is permitted along the whole of the Chinese land frontier and by sea; (2) silver money imported from the Khanate of Khiva over the frontiers of the provinces of Sir-Daria, Fergaria, and Samarkand; (3) silver money of Bukharia;

[1] Customs Regulations of 8th June 1903, Art. 36.

[2] Svod Zakonoff, vol. vi., Ed. 1902. General Tariff for European Trade.

and (4) Persian craus, which may be imported into the Empire across the Persian and Afghan frontiers.

Note.—The importation of foreign silver money into the Governor-Generalship of the Amur is not prohibited.

2. Gunpowder, compositions for gunpowder, and detonating compounds.

Note.—The Minister of Finance is empowered to permit the importation from abroad of explosives, otherwise prohibited, when the said explosives have been ordered from abroad by Government establishments, companies, or private individuals, and are to be used for works of excavation, pile-driving, coal and other mining, or signalling, and subject to their paying the following rates of duty:—

(*a*) Gunpowder: 2 roubles 10 copecks per pood (13*s.* 9½*d.* per cwt. gross).

(*b*) Dynamite and all other explosive and detonating compounds; also all accessories for blasting, such as fuses, slow match, electrical charge igniters and other similar accessories not separately designated in the tariff, 4 roubles 50 copecks per pood (£1 9*s.* 7*d.* per cwt. gross).

The permits in question are granted on the certificate of the competent Government authorities, and so far as concerns owners of depôts for explosives, mining enterprises (owners or concessionaires of mines), or their deputies, on a certificate of the Department of Mines to the effect that the said explosives, &c., and the quantities thereof ordered, are really necessary for the companies, institutions, or persons ordering the same.

3. Munitions of war, cannon, mortars, shells and other projectiles for cannon.

4. Air-guns which discharge without powder; also sticks and pipe stems containing daggers, sword-blades and other hidden weapons.

Note.—It is prohibited for private individuals, except by special permit, to import firearms of any pattern having the same bore as the military rifle, and this prohibition applies to rifles fitted up and ready for use, as well as to those imported in detached parts; also to cartridges for such rifles.

5. Playing cards of all kinds.

6. Berries of the *cocculus indicus.*

7. Margarine products.

8. Artificial saffron.

9. Bengal lights.

10. All merchandise and articles of a nature implying disrespect for sacred things, blasphemy or ridicule of religion, or furnished

with stamps, tickets, &c., reproducing holy images in a manner suggestive of such disrespect, blasphemy or ridicule.

11. Wall paper covered throughout with arsenical colouring matter, dull or glossy.

Note.—Exemptions from this prohibition are only granted for wall papers in which only the designs, flowers, leaves, spots, stripes, &c., have been executed with arsenical colours on a wide groundwork of non-arsenical colouring matter.

12. Light materials, such as book muslin (organdy), open muslin (*tarlatan*), tulle and the like, coloured throughout with arsenical colouring matter.

Note 1.—Exemptions from this prohibition are only granted for materials in which only the designs, flowers, leaves, spots, stripes, &c., have been executed with arsenical colouring matter on a wide groundwork of non-arsenical colouring matter.

Note 2.—Sections 11 and 12 (and the notes thereto) are not applicable in the case of wall papers and materials coloured with aniline dyes.

13. Children's toys of any kind and paper used for wrapping round confectionery, sweets, and other comestibles, coloured with arsenical colouring matter.

14. Composts, garden mould, vine props and stakes; also vine plants with or without roots, vine suckers and any part of the vine plant except the fruit and the seed.

Note 1.—The importation of other living plants or parts thereof, and also of grapes and lees, is only permitted at certain custom houses, and subject to the observance of special rules. The determination of these rules, as also of the list of custom houses at which the articles mentioned in the present note may be imported is left to the discretion of the Minister of Agriculture and Imperial Domains, with the concurrence of the Minister of Finance. The first-named minister has power, in concurrence with the Minister of Finance, to prohibit the importation into Russia, at certain custom houses, of vegetables in those cases in which their free importation may be deemed to engender risk of the spread of phylloxera.

Note 2.—The power granted to the Minister of Agriculture and Imperial Domains by the Resolution of the Committee of Ministers, approved by His Imperial Majesty on July 3rd, 1892, to permit the importation of one-year-old suckers from American vines for Government Institutions, is hereby extended so as to include the importation of such suckers by private persons, subject to the observance of such precautionary measures as the aforesaid Minister may prescribe. The Minister of Agriculture and Imperial Domains is empowered to permit, at his own discretion, and subject to such conditions as he may fix, the importation of one-year-old suckers of European varieties of vines.

15. Potatoes of American origin, also skins, leaves and waste of such potatoes, as well as all kinds of receptacles, such as boxes, sacks and the like, which have served as means for covering or packing potatoes during importation.

Note.—The importation into Russia, by sea, of potatoes of non-American origin, or of skins, leaves, and waste of such potatoes, or of any kinds of receptacles, such as boxes, sacks and the like, which have served as means of covering or packing the same, is permitted, subject, however, to the condition that the shipment of the articles in question is accompanied by a certificate of the Local Authorities, specifying the locality from which the articles have come, and attesting that such locality is free from the Colorado beetle.

16. All preparations of swine's flesh, except lard.

Note 1.—The importation into Russia of samples of foreign products of swine's flesh is permitted in such quantities as are absolutely necessary for the purpose of enabling persons who propose to engage in the exportation of swine's flesh, to judge of these samples by personal inspection; the permission is, however, conditional upon the production, in each separate case, of a certificate of the Minister of Agriculture and Imperial Domains, attesting that it has been necessary to procure the said samples from abroad.

Note 2.—The Minister of Internal Affairs is empowered, in concurrence with the Minister of Finance and the Minister of Agriculture and Imperial Domains, to prohibit the importation of live swine from such places abroad as shall be deemed to be unsafe by reason of the prevalence in those places of swine diseases which might be prejudicial either to the public health or to the swine-rearing industry. Concerning such measures as he may adopt in reference to this matter, the Minister of Internal Affairs shall report to the Governing Senate, with a view of their being brought to the public notice.

17. Comestibles and beverages containing artificial sweetening substances.

Note.—As a temporary measure, and until this question shall have been determined by means of legislation, it is prohibited to import into Russia vegetable conserves of any kind containing any quantity whatever of muriate of copper.

18. Foreign spirituous beverages.

This prohibition applies to the Murman coast of the Government of Archangel.

19. Vessels with double bottoms.

20. Corks bearing the marks of foreign mercantile firms, imported separately from the bottles.

21. Aniline dye (known as "fuchsine," or under any other name) not in crystals, but in the form of paste, pieces, or powder.

22. Liquid yeast, for sale.

Note.—The Minister of Finance is empowered temporarily, for a period of 3 years dating from March 28th 1900, to permit the importation of yeast cultures for wine-making purposes.

23. Tickets of foreign lotteries, or so-called "lottery loans" of private individuals, companies, or towns.

CHAPTER VIII.—LIST OF ARTICLES THE EXPORTATION OF WHICH FROM RUSSIA IS PROHIBITED.[1]

§ 382 Articles he Exportation of which is prohibited.

1. Iron ore and the slag resulting from the manufacture of iron (by way of the Polish frontier).

Note.—Iron ore from Polish mines as well as the slag from blast furnaces in that country, may be exported through the local custom houses, but only by special permit of the Minister of Finance in concurrence with the Minister of Agriculture and of the Imperial Domains and subject to a duty of $1\frac{1}{2}$ copecks per pood (1s. $11\frac{3}{4}$*d.* per ton).

2. Notes of the Imperial Treasury of 1895 or subsequent years.

3. Firearms of all descriptions, complete or in parts, also ammunition for the same, by way of the ports in the Black Sea and the Sea of Azof.

4. Arms of all descriptions, gunpowder, explosives and munitions of war in general along the whole extent of the frontier of Asia and particularly towards China.

As a general rule the excise duty on goods which are intended for exportation is reimbursed at the custom house.

[1] Svod Zakonov, vol. vi., Ed. 1902.

PART X.

Legal Position of Foreigners in Russia.

CHAPTER I.—The right to follow certain Occupations, to plead in Courts of Law, to inherit Property, and to execute Wills.

§ 383. The legal position of foreigners in Russia.

Russian Consular Officers are frequently applied to by persons who are desirous of entering into commercial relations with Russia, or of engaging in business enterprises or investing money in Russian securities and stocks, or of taking up their residence in the Empire, for information as to the legal position of foreigners in Russia. It is, therefore, desirable that Elective Russian Consular Officers should be fully acquainted with the regulations governing such matters.

§ 384. Austria, Belgium, Bulgaria, China, Congo Free State, Denmark, France, Germany, Great Britain, Greece, Italy, Netherlands, Persia, Peru, Portugal, Roumania, Servia, Spain, Sweden and Norway, Switzerland, Turkey, United States of North America.

Treaties exist between Russia and most other European countries, in which the mutual rights of their respective subjects to enter into and reside in the territories of the contracting Powers are specially marked out. Such treaties have been concluded by Russia with **Austria**, 14th September 1860 and 18th May 1894; **Belgium**, 9th June 1858; **Bulgaria**, 14th July 1896; **Great Britain**, 12th January 1859; **Germany**, 10th February 1894; **Greece**, 12th June 1850; **Denmark**, 2nd March 1895; **Spain**, 2nd February 1895; **Italy**, 28th September 1863; **China**, 21st October 1727; **Congo Free State**, 5th February 1885; **Netherlands**, 13th September 1846; **Persia**, 10th February 1828; **Peru**, 16th May, 1874; **Portugal**, 9th July 1895; **Roumania**, 1st October 1893; **Servia**, 15th October 1893; **United States**, 18th December 1832; **Turkey**, 10th June 1783 and 3rd February 1862; **France**, 1st April 1874; **Switzerland**, 26th December 1872; **Sweden** and **Norway**, 8th May 1838.[1]

The following is the substance of the principal provisions of these treaties, which may be taken as typical: "The subjects of each of the contracting parties who conform to the laws of the country (1) shall have full liberty, with their families, to enter, travel, or reside in any part of the dominions and possessions of the other contracting party; (2) they shall be permitted to have or possess such houses, factories, warehouses, shops, and premises as they require; (3) they may carry on their business either in person or through agents; (4) they shall not be subject, in respect of commerce or industry, to any taxes, whether general or local, or to any

[1] Conventions, treaties, and agreements between Russia and foreign States published by the Imperial Ministry of Foreign Affairs. Vol. i. St. Petersburg. 1902.

imposts of any kind whatever, other or greater than those which can or may be imposed upon native subjects."

Besides these special State treaties, Russian law regards foreigners as temporary subjects, and accords them the same protection as is enjoyed by permanent subjects.

Although the Russian laws forbid the employment of foreigners in the Russian army, navy, or civil administration,[1] yet foreigners are permitted to engage in various occupations in the domain of public instruction, with the sanction of the curator of the particular educational district. In other branches of civil administration foreigners can be appointed to the several posts enumerated in the Svod Zakonov, vol. iii., ed. 1896.

Foreigners who are in possession of foreign diplomas may exercise their professions in Russia after passing examinations as to capacity before special commissions.

Foreigners residing in Russia are subject to the general jurisdiction exercised over Russian subjects. The capacity to plead in courts of law is given to every one except—

1. Persons who have been deprived of their civil rights by the decision of a court of law.

2. Minors and other persons under tutelage, who are only permitted to take part in lawsuits through their parents or trustees or with the consent of the Council of Tutelage.

3. Bankrupts, whose right to plead passes to the administration of the creditors or, before such administration is appointed, to each creditor separately.

4. Corporate bodies, as, for instance, societies, companies and associations, which cannot plead otherwise than through special delegates.

Foreign claimants are not required to give surety if treaties of reciprocity exist between Russia and the states to which they belong. The existence of such treaties of reciprocity is established by special certificates, issued and legalised by the Ministry of Foreign Affairs in Russia or by a Russian Diplomatic or Consular agent abroad, or by reference to the list of conventions of reciprocity published by the Russian Ministry of Justice. Thus, for instance, German subjects are not obliged to provide sureties, in virtue of the special State treaty between Russia, Germany and other States, while British claimants must give surety, as no such treaty exists between Russia and Great Britain.[2]

Foreigners are entitled to inherit property in Russia, either by hereditary right or under wills.[3] They may also bequeath their property to foreigners or Russian subjects by will, observing the general rules of the Empire as to testamentary dispositions. The following special rules are to be observed in regard to the right of succession of foreigners to real estate situated outside the ports

[1] Svod Zakonov, vol. ix., Art. 824.

[2] *See* § 101.

[3] Svod Zakonov, Art. 830.

and towns of the ten provinces of Poland: Warsaw, Kalish, Kielce, Lomja, Lublin, Petrokov, Plotzk, Radom, Suvalki and Siedletz, and of the provinces of Bessarabia, Vilno, Vitebsk, Volhynia, Grodno, Kieff, Kovno, Courland, Livonia, Minsk and Podolia, viz., the succession by law of descendants and relicts to the real estate of foreigners is regulated by the general Russian law, if the heir has resided in Russia since a date earlier than the 14th March 1887; in all other cases of succession by law, or by testamentary disposition, the foreign heir is obliged to sell the inherited property to a Russian subject after three years have elapsed from the moment when he acquired the title to such property. If this rule is not observed, the property is committed to trustees by order of the Provincial Council, and is sold by public auction. The amount received, after deducting the expenses of the sale, is handed over to the heir. This rule also applies to societies, companies, and commercial or industrial associations, even if authorised by the Russian Government.

The heirs of a foreigner dying in Russia, if abroad at the moment of the opening of the succession, are invited by announcements in the newspapers, in the German language, to take possession of their inheritance within two years.

On the death of the testator the will must in every case be presented for *probate* to the court of the district in which the property is situated, or of the place of residence of the testator. Holograph or domestic wills must be produced in the original, while of notarial wills copies are produced. The period of time during which probate of a will by a foreigner must be applied for to the proper Russian court is the same as in the case of wills of Russian subjects.

CHAPTER II.—The right to engage in industry and commerce: Taxes, professional diplomas and certificates in relation thereto.

§ 385. Foreigners. The right to engage in industry and commerce.

Foreigners of all nationalities have the right to enter Russian territory, to reside there, to become naturalised and to engage in industry and trade in the country, on the same footing as Russian subjects.[2] There are, however, certains restrictions: Immigrants from Corea and China are not permitted to take up their residence on Russian territory where it adjoins the Chinese Empire, and

[1] *See* "Wills of Russian subjects abroad." Part IV., Chap. 6.

[2] For passport formalities *see* "Visa of passports," Part IV., Chap. 2; for customs formalities *see* "Instructions as to Russian Customs Regulations," Part IX.; for naturalisation of foreigners in Russia *see* "Naturalisation," Part V., Chap. 18; for marriage of foreigners with Russian subjects *see* "Marriage," Part V., Chap. 4.

foreign Jews are not permitted to reside permanently in Russia. To this latter rule there are the following exceptions:

Jews who are well known, from their social standing or through their important commercial transactions, may, with the special authorisation of the Ministers of Finance, of the Interior, and of Foreign Affairs, engage in commercial or industrial operations or establish banks, factories or works within the Empire, on furnishing themselves with professional certificates of the first class in the case of commercial undertakings and of one of the first three classes in the case of industrial enterprises. They may also acquire or lease unoccupied tracts of land on the conditions generally laid down in regard thereto.[1]

Foreign Jews temporarily visiting the Empire for the purpose of purchasing and exporting Russian products may, with the special authorisation of the Ministry of Finance, in concurrence with the Ministries of the Interior and of Foreign Affairs, obtain commercial certificates of the first class to enable them to conduct such operations.

Jews coming from Central Asia to the province of Orenburg for purposes of trade are permitted to carry on their business on the same footing as natives of Khiva and Bokhara. Outside of this province they are subject to the general laws relating to members of the Jewish faith.

Further, the law of 1901 permits Jews from Central Asia to reside in Russian towns situated near the frontier of Turkestan, upon the condition that they provide themselves with Russian professional certificates. Foreign Jews are also permitted to settle in the governments of Bessarabia, Vilna, Vitebsk, Volhynia, Grodno, Ekaterinoslav, Kovno, Minsk, Mogilef, Podolia, Taurida, Kerson, Tshernigof, Kiev (with the exception of the town of Kiev), and in Poland, Courland, and Livonia on condition that they bind themselves to establish, within a period of three years, factories or works (with the exception of distilleries) and that they possess the lawful permit of the proper authorities. Finally, artisans of Jewish faith are permitted to settle in Russia, if they have been engaged by Jewish manufacturers residing in Russia.

Persons engaged in industry or trade in Russia pay special professional taxes. According to the law of the 8th June 1898, all commercial undertakings are subject to taxation, such undertakings comprising firms engaged in financial operations or insurance, commercial transactions, and contracts of all descriptions; industrial enterprises such as manufactures, mining, &c., and finally, individual industrial occupations. Certain undertakings of a commercial or industrial character are exempt from this form of taxation; they are: public benefit societies and partnerships on mutual terms; a few small trades; the majority of industrial and commercial undertakings connected with agriculture, and some others. The taxes are "fundamental" and "supplementary." The

[1] Svod Zakonov, vol. ix.

fundamental tax is paid on certificates or licences issued, not in the name of the licensee but for each business undertaking and constituent portion thereof separately, *i.e.*, each shop, warehouse, steamer, &c. In order to apportion the amount payable in taxes in the most equitable manner, the various districts of the Empire are classified according to the relative development of their trade and industry. The different classes of business are also divided into sections, of which there are (*a*) five for commercial businesses; (*b*) eight for industrial enterprises and (*c*) seven for personal employments.

(*a*) In the first section the amount of the tax all over the Empire is 500 roubles (about 52*l.*) for each professional certificate in the case of a commercial establishment, and 30 roubles (about 3*l.* 3*s.*) for every store or emporium. In the remaining four sections the tax varies, according to the class of the locality and the section of the business, from 150 roubles (about 16*l.*) to 4 roubles (about 8*s.*) for each establishment, and from 26 to 2 roubles (about 2*l.* 15*s.* to 4*s.*) for every store. A tax of 20 roubles (2*l.* 2*s.*) is levied on each cart employed in the transport of goods and one of 6 roubles (12*s.*) on each hawker's licence, throughout the Empire.

(*b*) The taxes on industrial undertakings in the first five sections are 1,500; 1,000; 500; 150; and 50 roubles (about 160*l.*; 105*l.*; 52*l.*; 16*l.*, and 5*l.* 5*s.*). In the remaining sections they range from 30 to 2 roubles (about 3*l.* 3*s.* to 4*s.*). Special taxes are levied on fairs.

(*c*) The taxes on individual employment (sections 2 to 7) are from 150 to 4 roubles (about 16*l.* to 8*s.*). The first section of this class refers to the directors and members of boards of commercial undertakings, the managers of companies, &c., these pay 2 per cent. of their salary and other emoluments.

Professional certificates of all the classes enumerated above may be obtained by persons of foreign nationality, and give all the rights and privileges enjoyed by Russian subjects.[1]

The "supplementary" tax is levied on joint-stock companies and other enterprises which are required to publish balance-sheets, and on all undertakings which select this mode of taxation. In the case of joint stock companies the tax is made up of certain percentages on the capital and profits. In the case of other business undertakings the supplementary tax is "apportioned." An "apportioned" tax is one that is fixed at a gross total amount for a given locality, or for a stated number of persons in such locality, and is then apportioned among them by mutual agreement of the parties or, if they are too numerous, of their representatives. Any one dissatisfied with the method of distribution is at liberty to appeal to the Crown authorities.

Taxes on capital are levied at the rate of 15 copecks ($3\frac{3}{4}$*d.*) for every 100 roubles of stock (about 10*l.* 10*s.*) on all amounts exceeding 100 roubles. In such cases the sums paid for licences for

[1] Sved Zakonov, vol ix., Art. 828.

warehouses, shops, ships, &c., are taken into consideration. The tax on profits is paid by business concerns which publish balance-sheets and the net profits of which exceed 3 per cent. of the amount of capital invested in them. The tax is progressive, *i.e.*, 3 per cent. on profits of from 3 per cent. to 4 per cent. of the capital; 4 per cent. on profits of from 4 per cent. to 5 per cent.; 4½ per cent. on profits of from 5 per cent. to 6 per cent.; 5 per cent. on profits of from 6 per cent. to 7 per cent.; 5½ per cent. on profits of from 7 per cent. to 8 per cent.; 5¾ per cent. on profits of from 8 per cent. to 9 per cent.; 6 per cent. on profits of from 9 per cent. to 10 per cent. When the profits exceed 10 per cent., a tax of 6 per cent. is paid on the total amount and an additional 5 per cent. on the amount of profit in excess of 10 per cent. The apportioned tax payable by business concerns which do not publish balance-sheets, is fixed in advance every three years for the whole Empire.

CHAPTER III.—The right to acquire Real and Personal Property.

§ 386. Foreigners; their right to acquire real and personal property in Russia.

Foreigners are permitted to own every description of property, whether real or personal, and whether acquired by purchase, by succession, by testamentary disposition, by gift or by expropriation of the State, &c.

They may, with the exception of Jews, manage such property in the capacity of stewards in virtue of powers of attorney from the actual proprietors.

Similarly they may rent or lease any description of real estate and effect any form of contract or undertaking not prohibited by law, in conformity with the conditions and restrictions established for Russian subjects proper.

There are, however, certain restrictions.

1. Foreigners are not permitted to acquire land in the territory of the Amur and in the maritime districts.

2. The acquisition of land by foreigners in the region of Turkestan and in the territories of the Oural, of Akmolinsk and of Semirechensk is subject to special regulations.

3. The expropriation of parcels of State-owned land for the benefit of foreigners at Krasnosvodsk requires, in each case, the special authorisation of the War Ministry, which is granted on the representation of the Chief of the Transcaspian Territory.

4. In the Polish provinces of Warsaw, Kalish, Kielce, Lomja, Lublin, Petrokov, Plotzk, Radom, Suvalki, Sedletz, and also in those of Bessarabia, Vilno, Vitebsk, Grodno, Kiev, Kovno, Courland,

Livonia, Minsk, and Podolsk, foreigners are not permitted to acquire any form of real estate, or to have the use of such property in any way except in the ports or towns. Foreigners residing in the Polish provinces are, moreover, forbidden to manage real property situated outside of the towns on powers of attorney as stewards. These restrictions, however, do not extend to dwelling houses, country lodges, or houses intended for temporary occupation or residence. The provisions above-mentioned apply equally to commercial and industrial undertakings and to companies and associations constituted in accordance with the laws of foreign countries, even when they are authorised to conduct operations within the limits of the Russian Empire.

5. In the territories of Kuban and Kars, the circuits of Sukhum, Batoum, and Artvinsk, the districts of Zugdidsk, Senaksk, Osurgetsk, Erivan, Sharuro-Daralagetsk, Surma, Nakhichevan, Zauguezursk, Gebrailsk, Gevatsk, and Lenkorensk, and in the governments of Erivan, Koutaiss, Elisavetpol, and Baku, the acquisition by foreigners of land outside the ports and towns, and the right to use land is not permitted, except for the establishment of works or factories and only on the basis of special licenses issued in each individual case by the Civil Governor-General of the Caucasus. This law does not, however, apply to the acquisition of petroleum fields. It is applicable to all commercial societies, companies, and associations constituted on the basis of the laws of foreign countries, even if they are licensed to operate in Russia.

6. The acquisition of real estate situated in the government of Volhynia, but outside of the towns, and the right to rent or loan such property, is prohibited:—

(*a.*) In the case of colonists of foreign birth, who have taken out papers of naturalisation.

(*b.*) In the case of persons from the provinces of the river Vistula when they have been settled there since a date later than the 19th of March 1895.

Foreigners who are owners of real estate are not entitled to take part in the local self-government. An exception to this general rule exists in the right granted to foreign merchants of taking part in elections to the commercial courts at St. Petersburg and Archangel and of being elected members of the latter court.

CHAPTER IV.—Right of Foreign Companies to conduct Operations and Law Suits in Russia.

§ 387. Foreigners. Company rights in Russia.

The term "foreign companies" only applies to companies established abroad by foreigners, in accordance with the laws of their particular countries, for the purpose of engaging in commercial or industrial enterprises within the Russian Empire. Any company, therefore, established by foreigners in Russia and in accordance with Russian law, is considered to be a Russian company. A foreign company is not entitled to engage in any commercial or industrial enterprise within the Empire, unless a treaty or convention of reciprocity on the subject has been concluded between Russia and the country in which such society was formed. It follows, therefore, that, in the absence of any such special treaty or convention, a foreign company possesses no rights in Russia whatever. Such treaties have been concluded by Russia with **France** (2nd October 1863); **Belgium** (concluded on the 18th/30th November 1865 and modified by the law of the 22nd May 1884); **Italy** (2nd October/8th November 1866); **Austria** (16th/28th January 1867); **Germany** (18th/30th July 1885); **Greece** (11th December 1887); and **Bulgaria** (2nd July 1897).

Shipping companies for the navigation of the Caspian Sea may not be established except by Russian subjects, and shares in such companies may not be acquired by foreigners.

The existence of a treaty or convention of reciprocity between Russia and any other country does not entitle any company established in the country in question to conduct operations in Russia. The privilege to do so is granted in each case by special Imperial ukas, and Russian law is explicit on that point. No joint stock company may be established in Russia, or engage in business transactions within the Empire, without the Imperial sanction. An exception to this law exists in the case of certain banking establishments, with a capital not exceeding five million roubles, which may be authorised by the Ministry of Finance.

No authorisation from the government is necessary in the following cases:—

(*a.*) Joint stock companies established for the exclusive sale in Russia of products manufactured abroad.

(*b.*) Shipping companies engaged in carrying goods and passengers between Russia and foreign ports.

No company or association legally established abroad is permitted to conduct business operations in Russia without submitting to the same regulations as Russian business houses. Any such company must submit the statutes, under which it is to operate in Russia, to the government and obtain the requisite sanction of the supreme authority. In order to avoid unnecessary delay in presenting requests of foreign companies for permission to

operate in Russia, such requests should be accompanied by the following documents, duly legalised :—

(*a.*) The statutes of the company or society, legalised abroad and with an attestation by a Russian diplomatic or state consular officer, to the effect that such statutes are in accordance with local laws.

(*b.*) A power of attorney, legalised by a Russian diplomatic or state consular officer, given by the particular company or society in favour of its representative in Russia, authorising him to solicit permission for the society or company to conduct business operations in Russia.

(*c.*) In the case of a request for such permission formulated by a society or company with the object of exploiting a patented invention, the letters patent, together with explanatory plans or drawings, must be annexed to the documents mentioned above.

(*d.*) In the case of a foreign society or company already operating abroad and requesting permission to extend its operations to Russia, the documents mentioned above must be accompanied by a statement of the firm's accounts and a balance sheet covering the last five years, approved by a general meeting of the shareholders and showing the annual gross receipts, the expenditure and the net profits on all operations, as well as the distribution of such profit and the amount of dividend paid on each share or part share.

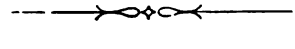
(*e.*) All documents annexed to the request for authorisation must be accompanied by translations into Russian, duly legalised.

All foreign societies which are officially recognised in Russia are entitled to plead before courts of justice in accordance with the general laws of the Empire. At the same time a foreign society, being juridically an individual, cannot plead before such courts otherwise than through a responsible representative. Consequently, any foreign company recognised in Russia must be represented there by a responsible agent, both for the purposes of pleading for it in courts of justice and of managing the company's affairs in general. This agent must be furnished by the company with adequate powers :—

(*a.*) To engage in all operations that are within the sphere of the company's activity;

(*b.*) To plead, in the company's name, in all legal questions which may arise in Russia in connection with the company's operations;

(*c.*) To settle promptly all questions which may arise between the society and the Government or individuals, or employees, or artisans.



CHAPTER V.—THE RIGHT TO BECOME MEMBERS OF PROFESSIONAL GUILDS AND CORPORATIONS, AND HONORARY CITIZENS.

§ 388. Foreigners. As members of Corporations and Guilds. Honorary citizenship.

FOREIGNERS, with the exception of Jews, are permitted to enrol themselves as members of professional bodies and guilds of every description. They are at liberty, further, to engage workmen, if they conform to the general laws on this subject.

Foreigners who may be desirous of joining a professional body or guild must submit a certificate signed by a foreign ecclesiastical consistory or other competent authority, certifying that they are of the Christian religion, and also an artisan's certificate issued by a technical college or some other similar institution in their native country. In the absence of such certificate, specimens of the candidate's work must be submitted. The documents and vouchers must be duly legalised by a Russian Legation or State Consulate The membership of a guild must be renewed at the expiration of twelve months.

Foreigners whose activity might be of utility to Russia may receive the title of honorary citizens. This title, and the advantages and rights appertaining thereto, are conferred upon foreigners by a Special Order (ukas) of the Ruling Senate. The foreigner must make application to the Minister of the Interior and pay a duty of 15 roubles. Foreigners already possessing the title of honorary citizen are not entitled to become hereditary honorary citizens. This latter title can only be given to foreigners who have become naturalised in Russia after ten years have elapsed from their nomination as honorary citizens. If not naturalised they are entitled to petition that the title of hereditary honorary Russian citizen be given to their children, if the latter are Russian subjects. The duty on this title is 30 roubles.

PART XI.

Legal Position of Foreigners in Russia with regard to Particular Branches of Industry.

CHAPTER I.—Manufacturing and Metallurgical Industries.

§ 389. **Foreigners. Manufacturing and Metallurgical Industries in Russia.**

Foreigners may establish works, factories and mills in accordance with the general laws as to these industries. The manufacture of ordnance and small arms, with the exception of sporting guns and ammunition for them, however, is a monopoly of the State, while the manufacture of playing cards is a monopoly of the Imperial Institution for Foundlings. Further, foreigners are not permitted to own, promote or manage any works or factories for the manufacture of explosives.

All questions relating to factories, works, mills, &c., are subject to the Ministry of Finance. Petitions to this Ministry for permission to establish factories or works must be accompanied by the written acquiescence of the authorities of the locality in which the proposed establishment is to be situated.

The establishment in Moscow and its district of spinning mills, foundries, stearine works, tallow factories and establishments for the chemical production of combustibles is prohibited.

The establishment of varnish manufactories on the cold system, as well as weaving mills, fulling works and paint factories is not permitted in Moscow, except with the consent of the Governor-General of that city and of the Minister of Finance.

CHAPTER II.—Mining.

§ 390. **Mining.**

Foreigners may engage in any mining industry, whether on land belonging to individuals or on State property.[1] This general permit does not, however, apply to the maritime regions, the island of Sakhalin, the Ousinski province of the Yenisei territory, and the Siberian territory where it borders on China. The Minister of Agriculture and of the Imperial Domains may intervene with the Committee of Ministers to permit individual foreigners and foreign

[1] Svod Zakonov, vol. vii., Art. 263.

companies and societies, to engage in mining enterprises of every description, even in the territories mentioned above. Foreigners who are not permitted to conduct mining operations on the territories enumerated in their own right are also prohibited from doing so on any other person's account. Any one having the right to engage in the industry in question may establish associations for the purpose, the statutes of which must be submitted for approval to the local mining administration and to the Department of Mines.

Before prospecting for minerals it is necessary to obtain a permit from the local mining Administration. On the discovery of a new mine a declaration, accompanied by a plan and detailed description, must be sent to the Administration.

Foreigners are not permitted to acquire land for mining purposes in Poland, but any foreign industrial company or business association there, established in accordance with the laws of their own country, may continue to carry on such an industry on land situated in Poland, if such land was acquired previously to the publication of the Imperial ukas of the 17th May, 1887.

CHAPTER III.—PETROLEUM INDUSTRY.

§ 391. Mineral Oil. THE petroleum industry is open to foreigners in all parts of the Empire, except—

(*a.*) The maritime regions,

(*b.*) The island of Sakhalin.

This industry is subject to provisional rules as follows:—

Jews who are entitled to reside in any part of the Empire, and all foreigners and foreign associations, including those having the right to engage in commercial and industrial enterprises in Russia, must obtain the special authorisation of the Ministry of Agriculture and of the Imperial Domain, and of the Governor General of the Caucasus, before they can acquire or exploit the petroleum fields of the Caucasus, or prospect or obtain concessions of such lands. This law does not apply to cases of inheritance. Jews or foreigners are not permitted to have the sole management of petroleum plants.

Proprietors of petroleum fields are bound to inform the local Administrator of Mines every time they strike a well or commence to work one.

To prospect on Crown territory a special permit is required from the local Administration of the Imperial Domains.

CHAPTER IV.—Manufacture and Sale of Salt.

§ 392. Salt.

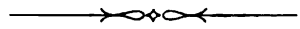
Foreigners are freely permitted to work salt found on their own property. They are also permitted to lease the salt-beds and salt-works belonging to the State. The trade in salt is free to all, including foreigners, and is free of all taxes, direct or indirect.

The importation of salt by way of the ports of the Black Sea and the Sea of Azof and of Transcaucasia is prohibited.

Foreign salt is subject to an import duty.

Crimean salt may not be brought into Russian ports without a certificate of origin. A similar certificate is obligatory for Transcaucasian salt.

The importation of salt to the ports of the Murman coast (in the province of Archangel) and to Kola for fish-curing purposes, is permitted duty free and without restriction as to quantity.



CHAPTER V.—Manufacture and Sale of Alcoholic Beverages.

§ 393. Alcoholic Beverages.

Application for licences to manufacture alcoholic beverages or to erect breweries or distilleries must be made to the chief excise officer or to his assistant. Foreigners wishing to obtain licenses to sell alcoholic liquors must make application to the same quarter giving a description and naming the proposed locality of the establishment.

The application must be accompanied by the trade certificate appointed for this class of trade by law and by a written authorisation from a competent local authority.

The acquisition of distilleries by existing joint stock companies or associations, or the formation anew of such companies or associations for the purpose of establishing or working distilleries is prohibited.

The law of the 6th June 1894, which deals with the Government monopoly of the drink traffic, lays down that the business of distilling is open to private enterprise, but the production of each distillery manufacturing spirits, whether from grain or potatoes, is limited to a certain fixed quantity.

The Government undertakes to buy, from the distillers of a district in which the monopoly is in operation, a quantity equal to two-thirds of the total consumption of the district, at a price to be fixed annually by the Minister of Finance. These two-thirds of the total quantity required are bought from the distillers in accordance with the following rules:—Distilleries which did not produce

more than 13,535 gallons of 40-proof[1] spirit in any of the three years previous to the introductoin of the monopoly, are allowed to supply the Government annually with a quantity equivalent to their largest average production during that period. Distilleries which produced more than 13,535 gallons per annum are limited to that quantity of 40-proof spirit. Any further amount necessary to make up the two-thirds of the total quantity required by the Government is obtained from the distilleries of the district, in proportion to the amount of their production during the three years already referred to. The remaining one-third is either bought at public auction, or manufactured in Government distilleries. The spirit is rectified either at the Government warehouses, by private rectifiers, or by the distilleries, and always under the direct supervision of an excise officer. After rectification the spirit is delivered to the Government warehouse, where it is bottled in quantities of from $\frac{1}{200}$ to $\frac{1}{4}$ of a vedro (0·017 to 0·85 gallon), and distributed to the wholesale and retail dealers. Spirits are only sold for consumption off the premises, and are in sealed and labelled bottles. The sale of spirits is only permitted in shops controlled and managed by the Government or in those of private persons who are specially licensed for the trade.

CHAPTER VI.—MANUFACTURE AND SALE OF TOBACCO.

§ 394. Tobacco. THE tobacco trade is open to foreigners. Applications for licences to establish tobacco factories must be addressed to the Excise authorities, accompanied by detailed descriptions of the proposed factories.

In addition to the trade certificates that are required without exception for all business establishments, any person wishing to manufacture or deal in tobacco must obtain a special licence, which is issued during the months of November or December for the whole of the following year.

If a licence be taken out before the 1st July the charge for it is the full amount for the current year. If taken out after that date the charge is for only six months of the year.

No establishment may be opened or any business commenced until the licence has been obtained.

In the case of establishments for the retail sale of cigars and cigarettes, instead of the licence, a special permit from the Ministry of Finance must be obtained.

[1] In Russia alcohol is counted at 100 degrees. "Forty degrees proof" means that to every 100 parts of the spirit there are 40 parts of pure alcohol.

CHAPTER VII.—Manufacture and Sale of Sugar.

§ 395. Sugar.

The cultivation of the sugar beet and of other plants from which sugar is manufactured, sugar refining, and the sale of sugar, are permitted in all parts of the Empire. The duties on this product are (1) the tax on the excise licence, (2) excise duty on the amount of crystallised sugar produced.

The trade is subject to no restrictions.

The patent fees (*i.e.*, the fees on excise licence) are five roubles for every thousand poods produced (320 cwts). The excise duty amounts to 1 rouble 70 copecks per pood (36·11 lbs. avoirdupois) of sugar.

CHAPTER VIII.—Manufacture of Matches.

§ 396. Matches.

Foreigners are permitted to engage in this branch of industry without restriction.

The manufacture is subject to the folowing duties :—

1. Patent duties. These are collected on patents or licences issued by the local government treasuries and municipal administrations.

2. Excise duties on imported or home manufactured matches.

The patent duties are (1) 50 roubles per annum for factories where all the work is done by hand, (2) 100 roubles per annum for those employing horses, (3) 150 roubles per annum for those employing steam.

The excise duties are :—

(*a*.) Safety matches of home manufacture :—

¼ copeck	per box	containing	not more than	75 matches.
½ copeck	„ „	„	from 75 to	150 matches.
¾ copeck	„ „	„	„ 150 to	225 „
1 copeck	„ „	„	„ 225 to	300 „

Safety matches of foreign manufacture: double the above amounts.

(*b*) All other descriptions of matches, if of home manufacture, pay double the amounts indicated in (*a*), if of foreign manufacture, four times those amounts.

CHAPTER IX.—Publishing and Importation of Books.

§ 397. Books and Printed Matter.

Persons who wish to set up a typographic, lithographic, or any other printing establishment are obliged to obtain special permits, which are issued, in St. Petersburg, by the Prefect of Police, at Moscow by the Governor-General, and in other towns by their respective Governors.[1]

In such cases it is necessary to produce:—

(*a*) Trade certificate.

(*b*) A declaration of the number of printing presses to be installed and of their sizes.

The same course must be observed in order to obtain permission to open libraries, reading-rooms, &c.

All books, paintings, prints, plans, geological maps, music and words, and all scientific works, or works of literature or art imported into the Empire, after inspection by the customs authorities, and after paying import duties, are forwarded to the Central Committee of Censors.

Travellers may, however, introduce among their belongings, without submitting them to the censorship, one copy of the following kinds of books and other articles which are neither of a political, religious, or immoral character:—

1. Diaries, almanacs, calendars, small dictionaries, books of dialogues, grammars, readers, albums, novels, books of stories, the importation of which is not prohibited by the censor.

2. Portraits, photographic and lithographic views, &c.

3. Plans, geographical maps, guides, and books on navigation.

4. Music with words, prayer-books, and copies of the Holy Scriptures, with the exception of copies of the Scriptures printed abroad in the Russian or the Slavonic language, which may only be introduced with the sanction of the orthodox ecclesiastical censors. All books which persons endeavour to introduce secretly into the Russian Empire are confiscated.[1]

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[1] Svod Zakonov, vol. xiv.

CHAPTER X.—MANUFACTURE OF ARTICLES OF GOLD AND SILVER.

§ 398. Gold and Silver.

ALL articles of gold or silver in Russia must be stamped with the legal mark, excepting:—

1. Articles weighing less than $\frac{1}{4}$ zolotnik ($\frac{3}{40}$ oz.).

2. Mathematical and chirurgical instruments, the settings of artificial teeth and watches of gold and silver.

3. Gold and silver brocades and articles embroidered in gold or silver.

4. The personal property of travellers, if its importation is not prohibited by the customs tariff.

5. Antique articles possessing either artistic, historical, or archæological value.

6. Gold and silver ingots, sheets or bars do not require to be stamped. Ingots must be impressed with the mark of the mint "pure gold," when issued by the state to individuals or organisations engaged in gold mining, in exchange for crude gold delivered to the Mint, with the stamp of the customs authorities ("imported ingots") or with a private mark ("of private alloys").

Ingots of gold or silver of private make intended for the artisan's own use do not require to be stamped.

APPENDIX I.

Comparison of Russian Weights and Measures with those of the metric system.

§ 399. Comparison of Russian Weights and Measures with the Metric System.

The law of the 7th June 1899 sanctions the use of the metric system of weights and measures side by side with the old system, according to which the unit of weight is a pood, equal to 0·409,512 kilogrammes and the unit of measure a sagène, equal to 7 English feet or 2·133360 mètres. The legal relation between Russian weights and measures and those of the metric or international system, as established by the General Board of Weights and Measures, in accordance with Art. 16, § 8 of the Regulations as to Weights and Measures, is as follows :—

Weights.

Russian weights.	Metric system.
1 pood = 4 funts (pounds) = 3840 zolotniks.	16·380496 kilogrammes.
1 pound = 32 lots = 96 zolotniks -	409·512510 grammes.
1 lot = 3 zolotniks - -	12·797263 „
1 zolotnik = 96 dolias - - -	4·265754 „
1 dolia - - - -	44·434940 milligrammes.

Metric system.	Russian weights.
1 ton = 1000 kilogrammes - -	61·048211 poods.
1 kilogramme - - -	2·419284 pounds.
1 gramme - - - - -	0·23442513 zolotniks.
1 décigramme - - -	2·2504812 dolias.
1 centigramme - - - -	0·22504812 „
1 milligramme - - -	0·022504812 „

Linear Measure.

Russian measures.	Metric system.
1 verst = 500 sagènes - - -	1·06680 kilometre.
1 sagène = 3 arshins = 7 feet (fut) -	2·13360 mètres.
1 arshin = 16 vershoks = 28 inches (duïm).	0·711200 mètre.
1 vershok - - - -	44·45 millimètres.
1 foot = 12 inches - - -	304·8 „
1 inch (duïm) = 10 lines - -	25·4 „
1 line = 10 points - - -	2·5400 „
1 point - - - -	0·254 „

Metric system.	Russian measures.
1 kilomètre - - -	0·937383 versts.
1 mètre = 3·28084 feet, or - -	1·40607 arshin.
1 decimètre - - -	3·93701 inches.
1 centimètre - - - -	0.393701 „
1 millimètre - - -	0·393701 line.
1 micron - - - - -	0·00393701 point.

Measures of Surface.

Russian measures.	Metric system.
1 square verst = 250,000 sq. sagènes	1·13806 sq. kilomètres.
1 dessiatina = 2,400 sq. sagènes	1·09254 hectares.
1 sq. sagène	4·55225 sq. mètres.
1 sq. arshin	0·505805 sq. mètres.
1 sq. vershok	19·7580 sq. centimètres.
1 sq. foot	0·0929030 sq. mètre.
1 sq. inch	6·45160 sq. centimètres.

Metric system.	Russian measures.
1 sq. kilomètre	0·878687 sq. verst.
1 hectare	0·915299 dessiatinas, or 2196·72 sq. sagènes.
1 are	21·9672 sq. sagènes.
1 sq. mètre	10·7639 sq. feet, or 1·97704 sq. arshins.
1 sq. decimètre	15·5000 sq. inches, or 5·06123 sq. vershoks.
1 sq. centimètre	0·155000 sq. inches, or 0·0506123 sq. vershoks.
1 sq. millimètre	0·155000 sq. lines, or 0·000506123 sq. vershok.

Solid Measure.

Russian measures.	Metric system.
1 cubic sagène	9·71268 cub. mètres.
1 „ arshin	359·729 „ decimètres.
1 „ vershok	87·8244 „ centimètres.
1 „ foot	28·3168 „ decimètres.
1 „ inch	16·3871 „ centimètres.

Metric system.	Russian measures.
1 decastère or 10 cub. mètres	1·02958 cub. sagènes. 27·7987 „ arshins.
1 stère or 1 cub. metre	0·102958 cub. sagènes. 2·77987 „ arshins.
1 cubic decimètre	0·0277987 cub. arshins. 0·0353147 „ feet.
1 cubic centimètre	0·0113864 vershoks. 0·0610237 cub. inches.
1 cubic millimètre	0·0000610237 cub. inches. 0·0000113864 cub. vershoks.

Measures of Capacity.

Russian measures.	Metric system.
1 last = 12 chetverts	25·1892 hectolitres.
1 chetvert = 2 osminas	2·0991 „
1 osmina = 4 chetveriks	1·0495 „
1 chetverik = 8 garntzy	26·239 litres.
1 garnetz	1·6399 „

Measures of Capacity—*continued.*

Metric system.	Russian measures.
1 kilolitre	4·7639 chetverts.
1 hectolitre	3·8112 chetveriks.
1 decalitre	0·38112 „
1 litre	0·038112 „
1 millilitre	0·00030489 „

Liquid Measures.

Russian measures.	Metric system.
1 bochka (cask) = 40 vedros	4·91960 hectolitres.
1 vedro (pail) = 10 shtoffs	0·12299 „
1 shtoff = 10 charkas	1·2299 litres.
1 charka = 2 shkaliks	0·12299 „
1 shkalik	0·061495 „
1 bottle of wine = 1 vedro	0·76871 „
1 bottle of beer or brandy = $\frac{1}{20}$ vedro	0·61495 „

Metric system.	Russian measures.
1 kilolitre	81·305 vedros.
1 hectolitre	8·1305 „
1 decalitre	0·81305 „
1 litre	1·3009 bottles of wine. or 1·6261 „ „ brandy.
1 decalitre	0·81305 charka.
1 millilitre	0·016261 shkalik.

Apothecaries' Weight.

Russian weight.	Metric weight.
1 pharmaceutical pound = 12 ounces = 84 ordinary zolotniks.	358·32336 grammes.
1 ounce = 8 drachms	29·860280 „
1 drachm = 3 scruples	3·7325350 „
1 scruple = 20 grains	1·2441783 „
1 grain = 1·4 ordinary dolias	62·208916 milligrammes.

Metric system.	Russian weight.
1 kilogramme	33·489304 ounces.
1 gramme	16·074866 grains.
1 milligramme	0·01674886 „

APPENDIX II.

Comparison of English and Russian Weights and Measures.

§ 400. **English and Russian Weights and Measures.**

Weights.

1 bercovets = 10 poods = 3·61 quintals.
1 pood = 40 pounds Russian = 36·11 avoirdupois.
1 pound = 32 lots = 0·90 lbs. avoirdupois.
1 lot = 3 zolotniks = 0·45 oz. „

One pound apothecary's weight contains 12 ounces, 96 drachms, 288 scruples, 576 grains. This pound weighs 84 zolotniks; *i.e.*, 8 lbs. apothecary's weight = 7 ordinary pounds.

Linear Measure.

1 foot = 12 duïm (inches) = 1 foot English.
1 duïm (inch) = 10 lines = 1 inch „
1 sagène = { 7 feet = 7 feet English.
3 arshines = 1·16 fathoms English. }
1 arshin = { 16 vershoks = 0·77 yard English.
28 duïms = 2·33 feet „ }
1 vershok = 1¾ duïm = 1·75 inch „
1 verst = 500 sagènes = { 212·16 furlongs.
0·66 mile. }

A Russian foot is the same as an English foot.
A „ (duïm) inch is the same as an English inch.
The verst is 500 sagènes or 3,500 feet.

Surface Measure.

1 dessiatina = 2,400 sq. sagènes = { 432·00 sq. rods.
2·70 acres. }
1 sq. sagène = { 49 sq. feet.
1·36 sq. sagènes. }
1 sq. arshin = 256 sq. vershoks = 0·60 sq. yard.
1 sq. foot = 144 sq. inches = 1·00 sq. foot.

Cubic Measure.

1 cub. foot = 1,728 cub. inches = 1·00 cub. foot.
1 cub. arshin = 4,096 cub. vershoks = 12·70 cub. feet.
1 cub. sagène = 343 cub. feet = 2·68 cords.

MEASURES OF CAPACITY.

Dry Measure.

1 last = 12 chetverts (corn measure) = 8·66 quarts.
1 chetvert = 8 osminas = 5·77 bushels.
1 osmina = 4 chetveriks = 11·5 pecks.
1 chetvert = 8 garntzy = 5·77 gallons.
1 garnetz = 2·88 quarts.

Liquid Measure.

1 vedro = { 8 shtoffs = 2·70 gallons.
10 krujkas = 10·82 quarts.

1 krujka = 10 charkas = 2·16 pints.

1 chetverik contains 24 lbs. and 1 vedro 30 lbs. of tepid water.

In 1904 the British House of Lords passed a Bill on the third reading for the adoption of the metric system of weights and measures in Great Britain. The Bill proposes that the units of weight and measure throughout the whole of the British Empire shall be the kilogramme and the metre. It is proposed further to make the metric system compulsory in all contracts and other business transactions between private individuals, under pain of invalidity of such contracts or transactions. Special rules will govern such agreements and contracts as are concluded before the Act becomes law. The change of system is to take place on the 1st April 1909. Before it becomes law, however, the Bill will have to pass the House of Commons.

List of Legislative Enactments and other Authorities referred to in the text.

CODE of Government dues and taxes, ed. 1893, Svod Zakonov, vol. v.

Code of Laws relating to the Civil Estates, ed. 1899, Svod Zakonov, vol. ix.

Civil Code, ed. 1900, Svod Zakonov, vol. x.

Code of Civil Procedure, ed. 1883, Svod Zakonov, vol. x., part 2.

Code of Regulations relating to credit and loans, ed. 1893, Svod Zakonov, vol. xi., part 2.

Code of Regulations relating to affairs of foreign religious professions, Ed. 1896, Svod Zakonov, vol. xi., part 1.

Penal Code, ed. 1885, Svod Zakonov, vol. xv.

Medical Code.

Code of Laws relating to bills of exchange, confirmed by the Emperor of Russia on the 27th May 1902.

Consular Regulations, ed. 1903, Svod Zakonov, vol. xi. part 2.

Customs Regulations, ed. 1892, Svod Zakonov, vol. vi.

Laws regulating the organisation of the provinces, ed. 1892, Svod Zakonov, vol. i., part 2.

Maritime Code of Russia.

Civil Service Regulations, ed. 1896, Svod Zakonov, vol. iii.

Military Service Regulations, ed. 1897, Svod Zakonov, vol. iv.

Regulations relating to the functions of Notaries Public, ed. 1892, Svod Zakonov, vol. xvi., part 1.

Temporary rules for the application of regulations relating to the function of Notaries Public, ed. 1892, Svod Zakonov, vol. xvi., part 1.

Regulations relating to stamp duties, of 10th June 1900.

Regulation for sea prizes in time of war, confirmed by the Emperor of Russia on the 27th March 1895.

Trade Regulations, ed. 1903, Svod Zakonov, vol. xi., part 2.

Passport Regulations, ed. 1903, Svod Zakonov, vol. xiv.

Maritime Code of Finland.

Civil Code of Finland.

Finnish Regulations as to captains and crews of merchant vessels of 30th March 1848.

Code Napoleon (in force in Russian Poland).

Polish law of conjugal relationship.

Code of Laws of the Russian Baltic provinces.

Conventions, treaties, and agreements concluded between Russia and foreign States, edited by the Russian Ministry of Foreign Affairs, 4 volumes, St. Petersburg, 1889–1896.

Official letters and circulars of the II. Department of the Russian Ministry of Foreign Affairs.

Official letters and circulars of the Department of Personal and Economic Matters of the Russian Ministry of Foreign Affairs.

Decisions of the Ruling Senate.

General Instructions for British Consuls.

Calvo: Le droit international théorique et pratique, 4 vols., Paris, 1880–1881.

Heyking, Baron A.: L'Exterritorialité, Berlin, 1889.

Martens, F. de: "International law" (in the Russian language) St. Petersburg, 1882–1883.

Leske und Löwenfeld: "Die Rechtsverfolgung im internationalen Verkehr." 4 Bände. Berlin, 1895.

Goriainoff, S. "Guide for Consuls" (in the Russian language), St. Petersburg, 1903.

König: "Handbuch des deutschen Konsularwesens," 5 Ausgabe, Berlin, 1896.

Bar. M. Taube: "Principles of peace and law in international litigation in the Middle Ages" (in the Russian language). 2 vols. St. Petersburg, 1894, Charkow, 1899.

Bergbohm, Carl: Die bewaffnete Neutralität, Berlin, 1884.

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